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REPORT
OF THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

FOR THE YEAR 1911

BALTIMORE
SUN JOB PRINTING OFFICE
1912



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COMMISSION

JAMES M. AMBLER, *Chairman,*

PHILIP D. LAIRD,

DR. JOSHUA W. HERING,

LOUIS M. DUVALL,

Secretary.

WILLIAM CABELL BRUCE,

Counsel.

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REPORT
OF THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

For the Year Ended December 31, 1911

STATE OF MARYLAND

OFFICE OF THE
PUBLIC SERVICE COMMISSION

BALTIMORE, December 30, 1911.

The Governor and the General Assembly of Maryland:

In obedience to the requirements of Chapter 180 of the Acts of 1910, the Public Service Commission submits its report for the year ending December 31, 1911.

GENERAL WORK OF THE COMMISSION.

The work of the Commission has continued to be somewhat hampered by the investigations into the telephone rates and the gas and electric rates in Baltimore City. We had hoped that a considerable part of the expense of these investigations would be borne by the appropriation for the first year, and leave the appropriation for the current year unencumbered to carry forward matters which the law makes mandatory and which it is important to the public and to the Commission to have disposed of as promptly as careful and satisfactory work will permit. But the complaint in regard to the gas and electric rates in Baltimore was unavoidably postponed, and there were delays in the Telephone case, explained elsewhere, which

caused these matters to be taken care of from the appropriation for the current year. Notwithstanding the expenses attending the organization of the Commission, such as furnishing its offices, the purchase of apparatus necessary for testing gas and electric meters and the quality of gas, and the printing of expensive forms, there remained in the State Treasury on April 30, 1911, an unused balance of \$28,584.14 of the appropriation for the first year, which is not available for the purposes of the Commission. When it is considered that the salaries provided in the Act amount to \$19,500, it will be seen that the expenditures of the Commission itself for the first year were not extravagant, and while those for the current year may, for the reasons given above, show a considerable increase, they have been as economical as a due regard for the work in hand would permit. The Commission is also-entitled to a credit of \$1,441.85, being the amount of fees for copies, etc., collected and remitted to the Comptroller of the Treasury. It is hoped that after the present year a material reduction can be made in the running expenses of the Commission; but it is proper to remember that the organization necessary to carry out the purposes of the Act and practically outlined by it is, from the force of circumstances, an expensive one. Engineers and other employees of technical and mechanical skill are required, and in this field the Commission comes into competition with wealthy corporations which pay high salaries.

At the close of the year 1910 we reported:

	Regular Docket.	Correspondence Docket.
Cases open.....	24	18
Cases filed during year 1911.....	198	155
Totals.....	222	168
Closed during the year.....	155	128
Open December 30th, 1911.....	67	40

Showing a total of 283 formal and informal cases disposed of. Of the cases on the Regular Docket, 21 were closed by formal opinions, 112 were closed by final orders, 1 was consolidated with a similar case, 4 were withdrawn, 17 were satisfied without hearing, and 67 are under investigation. On the Correspondence Docket 23 cases were transferred to the Regular Docket, 12 were withdrawn, 52 were satisfied without hear-

ing, 41 are suspended for failure to prosecute, and 40 remain open. These correspondence cases involve a very considerable amount of work in the aggregate, and accomplish the settlement of a number of disputes.

Ninety public hearings, some of them extending over more than one day, were held during the year, and conferences have been of almost daily occurrence.

The subjects embraced in the list of cases are varied and interesting, and include reparation claims, applications for filing tariff schedules on less than the statutory notice, applications for permission to exercise franchises, applications for authority to purchase stock of other corporations, applications for authority to issue stock and bonds, complaints of excessive rates, complaints of service, transfers on street car lines, charges of discrimination, mergers of corporations, corporate reorganization, accidents, eliminations of grade crossings, discontinuances of railroad stations, restorations of service on branch lines of railroad, limits of free delivery of express packages within the city, extensions of time for filing annual reports, and interpretations of the Public Service Commission Law.

This enumeration indicates the many points at which a Public Service Commission comes into contact with corporations and with the public, both collectively and individually. It also reveals the extent of the Commission's power and the care and deliberation with which it should be exercised. Many of these matters are more weighty than the immediate case under review would seem to imply, because the action of the Commission in a manner sets a precedent, if it does not establish a principle; and therefore each case, owing to some peculiarity, requires careful consideration, and very often the adjustment of conflicting interests, before a conclusion can be reached.

In addition to the study of cases, both before and after hearings, much of the time of the Commissioner is consumed in informal conferences with persons desiring our action or seeking information as to methods of procedure with the result that sometimes plans are changed and sometimes an explanation of conditions satisfies a complainant or secures the relief

he seeks and avoids a contest. The Correspondent Docket, for example, continues to be a means of disposing of many minor complaints, generally to the satisfaction of the complainant. A considerable amount of routine and detail work also falls to the lot of the Commissioners.

Some of the more important cases decided by the Commission during the past twelve months may properly be mentioned here.

Lease of the Northern Central Railway Company.—This was an application of the Northern Central Railway Company praying that the Commission approve the lease of its property and franchises to the Pennsylvania Railroad Company for the period of nine hundred and ninety-nine years, and also for an order authorizing the petitioner to issue additional capital stock to the amount of \$7,737,050, "for the purpose of discharging the company's obligation to its stockholders on account of net earnings heretofore applied in betterments and improvements or invested in the stocks and bonds of other companies, which are now held as assets in the treasury of your petitioner." Strenuous opposition was made by a number of the stockholders owning a comparatively small part of the stock, principally upon the grounds that the proposed issue of stock was not for any of the purposes enumerated in Section 27 of the Public Service Commission Law, and that the proposed issue was in effect a capitalization of the proposed lease, contrary to said section. The trial was conducted with great ability, but the remonstrants declined to offer any evidence, and, as to the facts, we were obliged to rely upon the proofs offered by the petitioner. Relying upon cases decided by the Court of Appeals of Maryland and upon the opinion of the General Counsel of the Commission, we decided that upon the facts presented the stock issue was proper in this case and that there was no valid objection to the lease, and both were authorized. The remonstrants, however, have not accepted our conclusions, and have filed bills in the Circuit Courts of the United States for the districts of Maryland and Pennsylvania, to enjoin the companies from acting in accordance with the order of the Commission.

Residents' Tickets.—Prior to the adoption of the Public Service Commission Law, The United Railways and Electric Company of Baltimore had issued a form of commutation tickets, commonly called "Residents' Books," the sale of which was confined to persons dwelling within certain areas upon several of its suburban lines. The custom appears to have been an "inheritance" from some of its constituent companies. In one of the early cases before the Commission the subject of these tickets was brought to our attention, and some expressions in the opinion filed in that case led to their withdrawal by the company. This withdrawal unquestionably produced more or less hardship as well as sharp criticism of the Commission and the company, and a number of complaints were filed in an effort to have the books restored or a substantial substitute adopted. The investigation was thorough and a great deal of thought was bestowed upon the situation. But the terms of the law were too plain for doubt, and the Commission was constrained to declare that under the provision prohibiting discrimination the "Residents' Books" were unlawful. This conclusion appears to have been accepted as the proper interpretation of the statute, since no attempt has been made to obtain a review by the courts of the Commission's finding. The Commission reached its conclusions with reluctance, however, and in deciding the cases strongly recommended the adoption by the company of a schedule of commutation fares on its suburban lines. The outcome of this recommendation has been a number of conferences with officers of the company and representatives of the communities interested, but so far no plan satisfactory to all parties has been devised. It is hoped, however, that some means of relieving the situation will be found. The Commission itself has no power to establish a commutation rate.

Easton Light and Fuel Company.—In November, 1910, the Mayor of Easton filed a complaint against the Easton Light and Fuel Company, alleging inadequate service and excessive rates. The Commission at once instituted an examination of the company's plant, and on the 10th of January last a hearing was held. The condition was found to be very bad as to service and orders were made requiring improvements in the

equipment of the plant and in the method of manufacturing gas, but the results have not been satisfactory. The works are now in condition to produce pure gas of standard illuminating quality, but except when under actual observation the manager or employees of the company appear to disregard instructions and constant complaints of the service are made to the Commission. Our inspectors have been repeatedly called to the ground, and much time has been spent and much expense incurred in our efforts to secure proper service for the people of Easton. There has been, it is true, some friction between the company and the municipal authorities of the town over subjects which do not fall within our jurisdiction; but these controversies were not of a nature to interfere at all with the operation of the plant or to excuse proper obedience to the orders of the Commission. In this case, therefore, we have felt obliged to invoke the aid of the court, as the Public Service Commission Law provides, to carry our orders into effect.

Nicholson Branch Railroad Case.—A very interesting case, and an important one, in view of the principles involved, arose upon the petition of H. C. Willis and others for an order of the Commission to require the Philadelphia, Baltimore and Washington Railroad Company, as lessee of the Delaware Railroad Company, to repair the Nicholson Branch of the Kent County Railroad and to operate a limited freight service thereon. The history and details of the case would occupy too much space in this report. It is sufficient to state that it involved the questions of abandonment of railway lines, or parts of them, the liability of the lessee to repair and operate the branch road, the power of the Commission to order the same, and the justice of such order if the power exists to make it. The Commission reached the conclusion (1) that railroads may not at their pleasure abandon or cease to operate a part of their lines so long as the system of which it is a part is able to defray the expense of its maintenance and operation; (2) that the lessee assumes the obligations of the lessor in respect to the maintenance of service, and that the Commission has power to order it to do so; and (3) that in the present case the repair of the branch and the restoration of service thereon should be ordered, but that owing to the peculiar nature of the service a local rate

in the nature of a switching charge should be permitted to be added to the line haul from the junction of the branch and the main line of road. A motion for rehearing has been filed in this case.

Morrell Park Case.—This case arose on the petition of the Morrell Park Improvement Association for an order to require The United Railways and Electric Company of Baltimore to extend its Columbia avenue line, which now terminates at the boundary of Baltimore City, into Baltimore County on the Washington Road, in order to serve the residents of Morrell Park, North Morrell Park, Mount Winans and Lansdowne. The extension, if constructed, would come into competition with the Baltimore and Ohio Railroad and the Philadelphia, Baltimore and Washington Railroad, but it would be a convenience to a considerable number of people in the communities named and their vicinities, who have some distance to walk to reach the stations of the steam railroads and The United Railways terminus at Columbia avenue and the city boundary. The respondent alleges that owing to this competition the probable patronage of the extension would not justify the large amount of expenditure necessary for construction at this point, which would be of an expensive character. At the hearing respondent also raised the point that it had no franchise to operate the proposed extension in Baltimore County, and that the Commission has not the power to compel a corporation to obtain new franchises extending beyond the limits of the territory which it professes to serve. Upon the legal question involved, the case was referred to the General Counsel, whose assistant, the General Counsel himself being absent from the city, reported the following conclusions: (1) That no charter, ordinance or franchise *duty* is imposed upon The United Railways and Electric Company to make an extension of its tracks into Baltimore County on the Washington Boulevard; and (2) that the company, however, has the *power*, under the Acts of 1896, chapter 176, to extend its tracks upon the Washington Boulevard, provided the County Commissioners of Baltimore County consent." Under this opinion, in the absence of action by the authorities of Baltimore County, the Commission felt constrained to dismiss the petition.

Belvedere Hotel Company vs. Western Union Telegraph Company.—In this case the Commission took the somewhat advanced position that it has the power to order the location of a telegraph office in a particular locality or building, provided a sufficient public demand exists and can be there best served, and the office so established is in all respects a public office, not subject to restrictions by the managers of the hotel, and to be organized and maintained by the telegraph company in the manner that would, in its business judgment, afford the greatest convenience to the public. It is not contended that the Public Service Commission has the power, even if it possessed the requisite experience, to prescribe the internal business methods and details of public service corporations, except to the extent that they might interfere with the rights of the public to safe and adequate service. Beyond that, the corporation *must* be left to exercise its judgment, founded upon expert knowledge, with a view to earning a fair return upon the capital invested in the enterprise; which the law recognizes as its right.

Telephone Rates.—The telephone rate case originated in the petition of the Chesapeake and Potomac Telephone Company for permission to file a new schedule of rates for the service in the City of Baltimore. This schedule proposed the abolition of the flat rate unlimited business service, for which no new contracts have been written since 1904, except for the grounded circuit, which is an unsatisfactory service, and the readjustment of charges for the measured rate service for both business and residence use at reduced prices. Present subscribers to the unlimited business service would, of course, under the proposed schedules, pay a considerably higher price than they now do for the same amount of service. The investigation has been prolonged much beyond the anticipation of the Commission, for causes that it could not control. After the very careful examination of the accounts of the telephone company by our Auditor, and the equally careful and painstaking review by our Chief Engineer, of traffic and other data supplied by the company, we deemed it proper, in a matter which affected so many people, to have their work checked and an independent study of the Baltimore situation made by an expert of recognized

ability and character. After a conference with the Governor, whose consent was necessary, we selected for this purpose Mr. Dugald C. Jackson, of the firm of D. C. and William B. Jackson, of Chicago and Boston, who had investigated conditions in Boston and Chicago. His report was not received until the middle of September of the present year. Desiring to obtain the views of the citizens of Baltimore, who are chiefly concerned and whose interests it is the province of the Commission to protect, in addition to the very full resume published by the press of the city, the entire report was printed and extensively circulated. The effect of this was to awaken, for the first time, widespread interest on the part of those who would be most adversely affected by the proposed change. Several public hearings were held, and a condition in regard to the company's method of recording calls was revealed which demanded further investigation and the suggestion of adequate remedies before an intelligent and satisfactory conclusion could be reached. It was manifest from data in our possession that the present subscribers to the unlimited business service would become subscribers to the largest and most expensive service, and would be the greatest sufferers from a defective system of recording calls. They were naturally and justly unwilling to be transferred to the measured service without some reliable means of checking their calls, which should not be altogether under the control of the company, or would at least advise them when calls were charged against them, at the moment when it was done, and afford the opportunity for the prompt correction of mistakes. The publicity given to the subject brought to light several registering devices, and the Commission sent its Chief Engineer to Albany to witness a demonstration of a meter which was being tested under the auspices of the Public Service Commission of the Second District of New York. This device has since been brought to Baltimore and is on exhibition in a building in the rear of No. 2 East Lexington street. In the meantime, the Chesapeake and Potomac Telephone Company has come forward with a recording apparatus which the Bell Telephone Company has been testing out in Chicago, and which the local company tenders itself ready to install upon the subscriber's demand. The latter the Commission has approved subject to

change after hearings, in an order approving, after considerable modification, the proposed rates. The opinion will be found in the appendix.

The Commission's study and investigation of this telephone situation has extended far beyond the data supplied by the company and our own engineer and expert. Similar investigations have been made in other cities by trades bodies and city councils. Their elaborate reports and the cases tried by Public Service Commissions in other States make up a formidable mass of literature upon the subject of telephone rates and service. This literature we have studied at no small expense of time and labor.

Gas and Electric Rates in Baltimore.—The complaints filed by David Bachrach and others and the Mayor of Baltimore City alleges that excessive rates are charged and discrimination is practiced by the Consolidated Gas Electric Light and Power Company of Baltimore for gas and electric current supplied to its customers. As soon as the company filed its answer to the complaints the Commission passed an order requiring a full detailed statement of the affairs of the company covering a period of five years. The compilation of these data occupied much time and it was not filed until near the middle of October. It is voluminous and the analysis of it by the engineering and auditing departments of the Commission is slow and difficult work. The company is asking, among other things, for authority to capitalize losses and "intangible assets," so that, apart from details, interesting and difficult subjects are presented for our study. It is hoped that public hearings will begin early in the coming year and that the matter may be disposed of in a reasonable time.

Orders authorizing issues of stock and bonds were passed in the following cases:

	Stock.	Bonds.
Anne Arundel Electric R. R. Co.....	*\$5,783,250	\$4,000,000
Baltimore County Water and Electric Co.....		111,000
Baltimore and Virginia R. R. Co.....	1,000,000	500,000
Baltimore and Pennsylvania Rwy. Co.....	300,000	600,000
Consolidated Gas Electric Light and Power Co.....	1,500,000	904,000
Crisfield Light and Power Co.....	20,000	30,000
Frederick Railroad Co.....		156,000
Hagerstown and Clearspring Rwy. Co.....	250,000	250,000
Home Gas Co.....	40,000	.....
Mountain Lake Water and Light Co.....	18,000	15,000
Northern Central Railway Co.....	7,737,050	.....
Philadelphia, Baltimore and Washington R. R. Co.....		4,500,000
Roland Park Co.....	2,000,000	.....
Suburban Water Co.....	100,000	75,000
Susquehanna Transmission Co.....		1,031,000
Towson and Cockeysville Electric Rwy. Co.....	100,000	.....
Union Telephone Co.....	1,000	.....
United Railways and Electric Co.....	†3,125,000	.....
Washington, Baltimore and Annapolis Electric R. R. Co....	4,460,000	5,000,000
Washington, Spa Spring and Greta Rwy. Co.....	50,000	.....
Western Maryland Rwy. Co.....		4,114,000
Totals.....	\$26,479,300	\$21,286,000

*Absorbed by issues of Washington, Baltimore and Annapolis R. R. Co.

†Redeemable notes convertible into common stock at \$25.00 per share.

The following cases for approval of issues of stock and bonds are pending:

	Stock.	Bonds.
Washington, Potomac and Chesapeake R. R. Co.....	\$1,500,000	\$2,000,000
Washington and Rockville Rwy. Co.....	250,000	100,000
New York, Philadelphia and Norfolk R. R. Co.....	1,250,000	.....
Totals.....	\$3,000,000	\$2,100,000

CORPORATIONS UNDER THE JURISDICTION OF THE COMMISSION.

By the report submitted December 31, 1910, it appeared that the number of corporations under the jurisdiction of the Commission was 220, with an aggregate capital, including bonds, of \$1,772,578,669. At the close of the present year, the number, class and capital were as follows:

Class.	Number Under Jurisdiction.	Not Reporting.	Incomplete Reports.	Number Reporting.	Capital Stock.	Funded Debt.	Total Capitalization.	Interest Accrued on Funded Debt.	Dividends Declared on Capital Stock.
Express Companies.....	4	....	1	3	\$10,050,000	\$20,454,000	\$30,504,000	\$820,239	\$1,811,280
Electric Companies.....	28	3	1	24	5,080,976	6,967,200	12,028,176	349,300	67,350
Gas and Electric Companies.....	6	....	....	6	14,047,628	25,628,500	39,676,128	1,198,121	790,105
Gas Companies.....	11	....	2	9	1,611,380	1,177,000	2,788,380	69,815	42,300
Electric Railway Companies.....	24	....	4	20	52,650,200	88,836,538	141,486,738	3,197,281	1,277,238
Steam Railway Companies.....	39	1	4	34	456,867,026	556,037,897	1,012,904,923	22,625,903	21,384,503
Steamboat Companies.....	11	4	1	6	1,351,250	100,000	1,451,250	6,000	48,910
Water Companies.....	23	2	1	20	1,349,095	1,695,000	3,044,095	74,447	18,597
Telegraph Companies.....	2	....	....	2	110,000	....	110,000	....	....
Telephone Companies.....	27	4	5	18	14,590,000	2,938,174	17,573,174	149,550	916,519
Miscellaneous Companies.....	3	....	....	3	792,380	1,281,000	2,073,380	64,050	4,800
Sleeping Car Company (Pullman).....	1	....	....	1	116,610,600	....	116,610,000	....	9,445,966
Totals.....	179	14	19	146	\$675,090,535	\$705,160,309	\$1,380,250,844	\$28,554,706	\$35,807,568

A detailed list of these corporations will be found in the appendix.

The reduction in the number and capitalization of the corporations is accounted for by the fact that in the former list, which was made up from several sources of information, were included a number of small companies which had been absorbed or had gone out of business, and others which had never become operative concerns, as well as by the fact that the entire capitalization of the Pennsylvania Railroad Company was embraced in the table, whereas only a small part of the lines actually operated by that company is located in Maryland and its report to the Commission is confined to that part. The Pullman Company is listed separately because it has made a full report which may be of public interest. It is not, however, a Maryland corporation and is not under our jurisdiction except to the extent of its equipment and operation in the State.

We still encounter some difficulty in obtaining satisfactory reports from some of the smaller corporations whose officers seem to fail to appreciate the value of intelligent bookkeeping and efficient management, and who appear not to understand the very plain instructions contained in the blank forms of reports. In some cases, doubtless, the financial condition of the companies precludes the employment of thoroughly competent clerks and other employees, and some degree of patience must be exercised before their affairs can be brought to a satisfactory standard and they can be made to realize the enormous economic waste that lurks in slipshod methods of operation and accounting. Upon the whole, however, there is a marked improvement over the conditions that existed a year ago.

INSPECTION OF PROPERTIES OF CORPORATIONS.

In accordance with plans outlined in our first report, an inspection and practical inventory of the properties of the public service corporations of the State, except telegraph and telephone lines, outside of the City of Baltimore, has been made under the direction of the Chief Engineer of the Commission. The reason for confining the inspection to the counties is, that

in Baltimore City the street railroads and the gas and electric utilities are each owned by a single corporation and they are very extensive systems. Moreover, they are now managed upon strict business principles and keep complete inventories of their properties which the Commission can obtain and check up at far less expense and in much shorter time than an independent inspection would require. In fact, through an order passed in the gas and electric rate case, the Commission is now in possession of an inventory in minute detail of the properties of the Consolidated Gas Electric Light and Power Company, which is now being checked by our engineering and accounting departments. These companies are also constantly under the eye of the Commission, and are frequently before it upon complaints of one kind or another. The work of inspection covered a period of four months, and embraces full information of the physical condition of the properties. The original schedules have been briefed and tabulated and are open to the public. They furnish data for an appraisal of values at any time it may be needed, with great saving of time and expense. The publication of these tables is not deemed essential, as the general public would not be likely to make a study of them, and the expense of printing them would be heavy. Abstracts of them will be found in the appendix, and to those who have a special interest they are available in the files of the Engineering Department.

In his report to the Commission the Chief Engineer makes a number of recommendations for the improvement of the properties and service of these corporations, and steps will be taken to bring them to the attention of the companies in the effort to have them carried into effect. In this connection it should be stated that a number of these corporations are small concerns and any drastic measures would bankrupt them and deprive the communities in which they are located, and which have come to rely upon them for the service, which is valuable although it falls below a desirable standard of efficiency. The only proper line of action seems to be to keep as close oversight as possible and to insist upon such betterments from time to time as the financial condition of the companies will bear.

Steam Railroads.—The steam railroads were found to be in a generally good condition, so far as the main tracks are concerned, but some of the smaller roads, barely able to meet operating expenses and probably unable to obtain funds, are in a bad state of repair, afford inferior service and are without immediate prospect of substantial improvement. Upon some of the branch lines of the large roads and in the yards and terminals the standard of the main lines is far from being maintained, and a number of dangerous situations, some of them extremely so, were discovered. In some cases the attention of the railroad authorities was called to these conditions, and it was found that in several instances steps had already been taken for their correction. The employment of our force upon the compilation of the reports and the work elsewhere in particular cases has prevented as prompt action as the Commission would have liked to take, but the matter will now receive attention, and there is no reason to doubt that we will have the co-operation of the corporations in all reasonable requirements.

Electric Railways.—The electric railways inspected do not include the suburban lines of The United Railways and Electric Company of Baltimore. Of the roads inspected, two are classed as "interurban roads" and fifteen as "county roads." The interurban roads are the Washington, Baltimore and Annapolis Railroad Company, operating lines between Baltimore and Washington, Baltimore and Annapolis and Washington and Annapolis, and the Maryland Electric Railways Company, operating a line between Baltimore and Annapolis. The tracks of these roads are generally in good condition, but some difficulties are encountered in the maintenance of the bridges of the Maryland Electric Railways Company over Severn River and College Creek at Annapolis. Both of the roads have numerous crossings of public and private roads, some of which are of a dangerous character, and adequate provision against accidents is not provided in all cases. At the time of the inspection these matters were brought to the attention of the companies. Some of them have since been improved, while others remain for the Commission to deal with in such manner as closer inspection may suggest.

The fifteen county roads are, generally speaking, by no means in a satisfactory condition. Their physical condition is doubtless largely due to financial decrepitude. Revenues are barely sufficient to meet operating expenses and to provide inferior maintenance of way and equipment. Means are lacking for efficient engineering oversight. There is no more difficult problem before the Commission than the upkeep of these roads to afford the safe and adequate service which the law requires. Possibly the original fares were too low, but it is difficult for the companies to withstand the storm of protest which an increase of rates provokes. The result is that the interest of those who invested money in the enterprises has languished and the properties have depreciated because current funds are insufficient to keep them in a high state of efficiency. It so happens, too, that the lines which terminate at the boundary of the District of Columbia are generally owned or operated by corporations organized under Acts of Congress and are thus for many, perhaps the most important, purposes, beyond the jurisdiction of this Commission. It is to be hoped, however, that as to those companies to which this criticism applies means will be found, by conferences and effort on our part, to improve the condition of utilities upon which the convenience of so many people depends.

Water Companies.—Chemical analyses and bacteriological examinations of drinking water supplied by the water companies of the State were made, and it is gratifying to record that out of thirty-one chemical tests made twenty-two were reported “very good” and “good” and only three were reported “bad.” The bacteriological tests were less satisfactory as a whole, but speaking generally the water supply of the State may be pronounced good. In some cases the emergency supplies, taken from streams, are subject to pollution, and in several instances the buildings are old or inadequate and the conditions as to neatness and cleanliness indicate carelessness and inattention. Proper efforts will be made to have these shortcomings corrected.

Gas Companies.—The inspection of the gas companies of the State disclosed that most of them are in need of decided improvements both of the plants and the methods pursued in the

manufacture of gas, and that the interests of stockholders as well as of the public are injuriously affected by present conditions. The majority of these plants were constructed many years ago, little effort has been made to adopt more modern and efficient equipment, depreciation has been neglected in the interest of dividends, and the companies are now confronted with the necessity of doing something and with the difficulty of obtaining the means to accomplish it. In a few cases the Commission has been able to secure substantial improvements, and plants which were found to be antiquated and out of repair have been converted into up-to-date efficient establishments. None of these companies have kept the necessary records to show the output, consumption and loss of product, and the success or failure of the venture depends so largely upon these details that it is hard to understand why self-interest alone should not have prompted more attention to them. In the field of lighting the gas companies, even in small communities, now have to meet the competition of electricity, and have suffered in consequence; but there is a growing demand for fuel gas and here the opportunity is offered to recoup their losses and secure a profitable market for their product. With respect to these companies, as in other cases mentioned, the Commission must work patiently but persistently to bring about a better order of things.

Electric Light and Power Companies.—In many respects the electric light and power companies present a better record than the gas companies. The plants are newer and some of them are up-to-date not only in equipment but in business management. It is true of the majority of them, however, that loose methods of business prevail and the machinery is not properly cared for, from which causes considerable losses are sustained, and the communities that maintain them receive service far inferior to that which they are justly entitled to.

METER INSPECTION, ETC.

Tests of gas and electric meters were made during the year in compliance with law. Tests of gas meters were made as follows:

	No.	Correct.	Within 2 Per Ct.		Over 2 Per Cent.	
			Fast.	Slow.	Fast.	Slow.
New	7,470	4,937	608	1,925	.....	.....
Old	14,373	9,021	1,124	4,228	.....	.....
Proportional	10	10	.....	.....	.....	.....
Complaint	24	4	4	10	1	5
Totals.....	21,877	13,972	1,736	6,163	1	5

The tests of the quality and illuminating power of gas showed both to be good, and the heating value to exceed the standard of 600 British thermal units.

Tests were also made of the types of open-flame gas burners in general use in Baltimore, from which it will be seen that the consumer has some control over the amount of gas he consumes and the bills he pays. Three types of burners were tested to ascertain the amount of gas consumed per candle power given off by the burner, namely:

Lava Tip.—This type is the one in most common use, and the flow of gas is controlled solely by the slit in the tip, which is wider in No. 3 than in No. 4.

Aluminum Tips.—These are of two kinds, differing only in that one has a brass gauze check, while the other is fitted with a check to the flow of gas consisting of a packing of lint, below which is placed a brass check with an orifice of definite size.

Bray Tip.—This burner is provided with two checks made of cotton or flaxen fabric, placed one above the other about three-eighths of an inch apart.

The results are given in the following tables, the tests being made under gas pressures of 1.0, 1.8, 2.6, 4.0, 5.0 and 6.0 inches of water. The gas was accurately measured by a standard meter, a part of the photometer outfit, which had been previously calibrated. The candle power was measured by the bar photometer in the Commission's laboratory. The results of the tests show the actual candle power and the consumption of gas

in cubic feet per hour, which is reduced to the candle power produced per cubic foot of gas consumed per hour.

LAVA TIP BURNER—TEST OF TWO TIPS, No. 3 AND No. 4, WITHOUT CHECKS.

	Pressure Inches Water.	Candle Power by Photometer.	Consumption.	
			Total Cu. Ft. Per Hour.	C. P. Per Cu. Ft. Per Hour.
Lava Tip No. 3.....	1.00	21.14	5.14	4.12
Lava Tip No. 4.....	1.00	15.51	4.38	3.55
Lava Tip No. 3.....	1.80	25.53	7.12	3.59
Lava Tip No. 4.....	1.80	18.27	6.50	2.81
Lava Tip No. 3.....	2.60	22.25	9.50	2.34
Lava Tip No. 4.....	2.60	15.57	8.67	1.80
Lava Tip No. 3.....	4.00	23.76	12.50	1.90
Lava Tip No. 4.....	4.00	17.59	14.80	1.23
Lava Tip No. 3.....	5.00	26.55	13.20	2.01
Lava Tip No. 4.....	5.00	15.88	12.00	1.32
Lava Tip No. 3.....	6.00	20.81	14.30	1.46
Lava Tip No. 4.....	6.00	18.24	13.10	1.40

NOTE.—Lava tips No. 3 and No. 4 differ only in width of slit in tip—that of No. 4 being the smaller.

ALUMINUM TIP BURNER, No. 3, WITH CHECK.

	Pressure Inches Water.	Candle Power by Photometer.	Consumption.	
			Total Cu. Ft. Per Hour.	C. P. Per Cu. Ft. Per Hour.
Aluminum No. 3.....	1.00	19.77	3.96	5.00
Aluminum No. 3.....	1.80	24.32	5.88	4.14
Aluminum No. 3.....	2.60	17.83	7.86	2.27
Aluminum No. 3.....	4.00	33.05	10.30	3.21
Aluminum No. 3.....	5.00	34.40	11.10	3.40
Aluminum No. 3.....	6.00	31.00	12.20	2.56

BRAY TIP BURNER No. 5, WITH CHECK.

	Pressure Inches Water.	Candle Power by Photometer.	Consumption.	
			Total Cu. Ft. Per Hour.	C. P. Per Cu. Ft. Per Hour.
Bray Tip No. 3.....	1.00	19.40	3.02	6.43
Bray Tip No. 3.....	1.80	22.76	4.35	5.23
Bray Tip No. 3.....	2.60	23.32	5.60	4.17
Bray Tip No. 3.....	4.00	30.29	7.30	4.15
Bray Tip No. 3.....	5.00	27.42	7.79	3.52
Bray Tip No. 3.....	6.00	27.31	8.67	3.15

It will be noticed from these tests that the Bray tip is superior to the others in candle power and economy of gas at nearly all of the pressures employed. At 2.6 inches of water, which is the average pressure in Baltimore, its merit is prominent. At this pressure its candle power is 23.32 in comparison with 17.83 for the aluminum tip and 22.25 for the No. 3 and 15.57 for the No. 4 lava tips. Its consumption of gas per hour is 5.60 cubic feet against 7.86 feet for the aluminum tip and 9.50 feet for the No. 3 and 8.67 feet for the No. 4 lava tips. Figured on the basis of four hours consumption per night, the Bray tip shows an annual saving per burner of 3,309 cubic feet of gas over the aluminum, and 5,694 over No. 4 lava and 4,481 over No. 3 lava; and by its use the consumer received a some-

what greater candle power at a cost of \$5.69 less per burner than the No. 3 lava tip shows.

Tests of the Welsbach burner showed a consumption of over 6 cubic feet per hour at a pressure of 1.5 feet of water, 7.9 cubic feet at 2.2 pressure, and 6.8 feet at 3.8 pressure, but the candle power exceeded 60, which is the capacity of the Commissions photometer.

A total of 5,592 electric meters was tested, of which 2,294 were new, 3,075 were old and 23 were complaint meters. Of the complaint meters, two were found to be over 4 per cent. fast and two over 4 per cent. slow. All of the old and new meters are adjusted to accuracy at the time of inspection.

ACCOUNTING.

Pursuant to authority contained in Sections 25, 31¾, 39 and 42 of the law, and in order to establish a uniform system of accounting by the corporations affected thereby, the Commission has adopted regulations applicable to Street Railroad Corporations, Gas and Electric Corporations, Telegraph and Telephone Corporations and Water Companies. These regulations prescribe the manner in which each of the corporations in those classes shall make and classify the distribution of its fixed capital, and also prescribe and define the accounts which it shall keep upon its books, so far as said accounts are pertinent to the operation and circumstances of the corporation. The regulations referred to are contained in the Commission's circulars Nos. 26A, 27A, 28A, 29A, 30A, 31A, 32A, 33A, 34A, and 35A.

With respect to Steam Railroad Corporations, the Commission adopted the regulations and forms of the Interstate Commerce Commission, for the obvious reason that, as practically all of these corporations are engaged in interstate business, it would be unjust to them and confusing to the public to publish varying statements.

Naturally, some difficulty has been experienced by the corporations affected in adjusting their accounts to the prescribed requirements; but the Commission believes that these difficulties are only temporary, and that for the year 1912 all of the

companies will be able to furnish reports based on the uniform system established, and that the statistics obtained will much more clearly reflect actual conditions and be more valuable to both the public and the corporations. The systematic keeping of accounts according to recognized standards will tend to promote efficiency and economy of operation.

ACCIDENTS.

The subject of accidents in the operation of public service corporations continues to be a source of much thought and serious difficulty, because so large a number of the accidents are caused by persons over whom the Commission and the corporations have no control and against whose conduct no precautions can be taken. In the nature of things, the electric railroads, operated in populous streets and affording many opportunities for the public to take risks, furnish much the larger record of accidents. The casual observer on the street witnesses many instances of this kind, which can be accounted for only upon the theory of recklessness or carelessness, particularly in the manner of boarding and leaving the street cars.

The totals of all kinds of accidents for the public service corporations of the State for the year ending September 30, 1911, are 142 killed and 8,228 injured. Distributed among the several classes of corporations, we have the following statistics:

STEAM RAILROADS.

	Killed.	Injured.
Public—		
Passengers	2	115
Trespassers and grade crossings.....	61	81
Carried under contract.....	....	3
Total public.....	63	199
Employees—		
Trainmen	11	307
Trackmen	10	71
Yardmen and switchmen.....	7	144
All others.....	10	155
Total employees.....	38	677
Grand total for steam roads.....	101	876

ELECTRIC RAILWAYS.

	Killed.	Injured.
Public—		
On streets.....	27	782
On company territory.....	4	4640
Vehicles .....	....	263
Total public.....	31	5685
Employees—		
On cars or construction.....	3	501
On track or in operation.....	....	325
On company territory.....	....	206
All others.....	1	145
Total employees.....	4	1177
Grand total for street railroads.....	35	6862
Gas and electric companies.....	6	490
Grand total, all companies.....	142	8228

Unfortunately, there is no period for comparison, as the eight months embraced in our first report are overlapped in part by the figures given above. A careful study of the data, however, indicates improvement in some particulars. The number of persons killed on the rights of way of steam railroads was 61 for the year ending September 30, 1911, as compared with 51 during the eight months of 1910. The number of trackmen killed and injured shows a decided decrease, and it is fair to assume that this decrease is due, in some measure at least, to the rules for their protection adopted after conferences with the Commission following the accident at North Avenue Bridge in June, 1910. This decrease is offset, however, by the increase in the number of trainmen killed and injured. It is hard to account for this increase, in view of the very comprehensive report and order of the Interstate Commerce Commission on safety appliances put into effect a year ago, and which affects practically all of the railroads operating in the State of Maryland. There are so many causes contributing to this class of accidents, such as the negligence of employees themselves, that it is extremely difficult to suggest effective remedies for them; but the number of men on trains and posts assigned to them thereon, and the provision made for their safety and comfort, may have an important bearing upon the subject, and this phase of the matter the Commission proposes to investigate in the near future. It is gratifying to note, in this connection, that the Baltimore and Ohio Railroad Company has organized Division Safety Committees, and has sent to the Commission an outline of the work that the company proposes to undertake in the effort to provide for the safety of passengers and employees.

The co-operation of the Commission is invited, and it is needless to say it will be rendered in this laudable work.

The street railway situation in Baltimore is, by reason of its extent and importance, an ever-present consideration with the Commission. In most respects The United Railways and Electric Company appears to be striving to meet the demands of the public. According to the report of the Chief Engineer, its properties are in good condition in the main. The cars are inspected daily as to brakes, controllers and trolley wheels; a thorough inspection and overhauling is given each car every seven to ten days at the car barns, and all defects discovered are corrected; all cars are swept out each round trip at the terminus of the line; at night each car is cleaned and disinfected; the exterior of the cars is washed every day, and thoroughly cleaned inside and outside and the floors scrubbed every seven to ten days; and once in twelve to fifteen months every car is sent to the main repair shops and thoroughly overhauled, repainted and repaired.

But it should be frankly stated that in some respects the service falls short of pleasing the people. Car service, both as to time schedules upon some lines and as to overloading in the "rush" hours, which makes travel uncomfortable and contributes to the danger of accidents, is the subject of constant and sharp criticism. Much of this criticism is probably uttered in a heat of irritation, but the fact of the momentary discomfort upon which it is based is undeniable and the criticism is likely to continue until some relief is obtained.

The Commission appreciates the real difficulties which the company faces in its efforts to meet these conditions. In our report submitted a year ago, we devoted considerable space to the subject of car crowding, based upon careful study of statistics gathered in the summer and winter seasons. We were unable to suggest an effective remedy. It was shown that in the "rush" hours the converging of various lines of cars within the congested area of the city loaded the streets with all the traffic they would bear; if the rights of others than passengers on the cars are to be considered and respected. These limitations of the traffic continue, while the growth of the city and increased demand aggravate the situation. The subject is

of so much importance that the Commission has determined to hold hearings which the public and the company will be invited to attend. This will at least bring the public and the company together on the subject, and the discussion may lead to possible remedies or a better understanding.

AMENDMENT OF THE LAW.

The Public Service Commission Law of Maryland and some provisions of Article 23 of the Code of Public General Laws require amendment. It was to be expected that situations would occur which could not be foreseen at the time that the law creating the Commission was drafted, and the suggestions here made are intended mainly to end questions which have arisen from time to time and which were attended with considerable doubt.

1. Section 14 of the law provides that the offices of the Commission shall be kept open from 8 o'clock in the morning until 9 o'clock in the night. There is no necessity for these hours, and they entail the expense of a clerk, whose time would be much more profitably employed during regular business hours. There has not been an instance in the twenty months since the Commission organized when business of any kind was brought to the office before half-past 8 o'clock in the morning or after half-past 5 o'clock in the afternoon. We recommend that the office hours be from half-past 8 o'clock in the morning to half-past 5 o'clock in the evening.

2. The case of the Northern Central Railway Company, heretofore mentioned, for authority to issue stock in payment of net earnings applied to the improvement of its properties, was not decided without some doubt, in view of the fact that the Commission of the Second District of New York, acting under a provision of law identical with ours, had decided that it had no power to make such an authorization. The circumstances of the cases were substantially different, however, and we did not, therefore, follow the ruling of the New York Commission. Cases of a similar nature may arise in which the facts may be different and the solution more difficult, and it seems to us that so important a matter should be settled by statute. In the

New York case the Commission so far recognized the justice of such capitalization as to recommend an amendment giving it power to authorize such issues, and the Legislature of the State, at its session of 1910, conferred the power upon the Commission, but limited the time for which such allowances should be made. Considering the care with which commissions strive to safeguard the public in these matters, the New York amendment may fully meet the situation. It should be noted, however, that the Railroad Securities Commission, in its report to Congress, disapproves of the practice. They are generally justified on the theory that the company has expended in the extension or improvement of the property earnings which it might have properly divided among the stockholders, and that the stock dividend merely reimburses the stockholders for what they have put into the road. The report holds that the stockholder always has the advantage of the expenditure of excess income in greater efficiency and in the building up of the property, and argues that it is far better to permit the increased value to be shown by a higher rate of dividend on the existing stock than to increase the capital. The question of policy is one for the General Assembly to settle. What the Commission and the public are concerned about is to have a rule to follow.

3. Cases have come under the observation of the Commission where, by practical consolidations or sales or by stock ownership, two or more corporations pass under one control, but the separate organizations are preserved for purposes that are not always apparent and may not be desirable from the public standpoint. One of them may be a foreign corporation over whose issues of stock and bonds the Public Service Commission would have no control. It seems to us that when several corporations are brought into the relations described a real consolidation should be required. This object could be accomplished by amendment of either the Public Service Commission Law or the General Incorporation Law.

4. The law, as established by the courts, prohibits a corporation from guaranteeing the bonds of another corporation, unless authorized by its charter or by statute in some form to do so. The principle of the cases is unquestionably sound and the practice should not be encouraged; but situations may

arise where the relations have become such that a desirable service may be defeated by the absence of this power and where no public wrong would result from its exercise. The limits within which it can be exercised should be defined as clearly as possible, it should never be permitted without the approval of the Commission, and the Commission should be charged with special care in dealing with the subject.

5. Section 258 of Article 23 of the Code of Public General Laws provides that a railroad company incorporated under the general law "shall have power to borrow money on the credit of the corporation, not exceeding its authorized capital stock," &c. In 1884 an Act was passed entitled "An Act to organize into a corporation the purchaser or purchasers of any railroad or railroads located within this State," and this Act is codified in the Code of 1894, Article 23, Section 275 to 281, inclusive. An amendment, Act of 1910, chapter 725, does not materially change the law. Section 277 of the Code provides that corporations formed under the provisions of Sections 275 to 281, inclusive, by the purchasers of a railroad under foreclosure proceedings, "shall have power to make and issue bonds bearing such rate of interest not exceeding 6 per centum per annum, payable at such times and places, and in such amounts, as it may deem expedient, and to sell and dispose of such bonds at such prices and in such manner as it may deem proper; and to secure the payment of such bonds by mortgage or deed of trust of its railroad or any part thereof."

These provisions of the Code have been brought to the attention of the Commission in connection with a proposed financing of the Washington, Potomac and Chesapeake Railway Company, which was incorporated thereunder. The attorney of the company contends that railroad corporations so organized are not subject to the prohibition imposed by Section 258 upon railroad companies generally against issuing bonds in excess of their authorized capital, and that probably the Commission has no jurisdiction over the subject. The Assistant General Counsel of the Commission concurs in the view that Section 258 does not apply, and expresses doubt as to whether we have jurisdiction at all over the amount of securities to be issued by a railroad corporation formed by the purchasers at a foreclosure

sale. In New York the Supreme Court, Appellate Division, construing a statute similar to ours, decided on June 9, 1911, in the Third Avenue Railroad Company reorganization case, that the New York Commission had no jurisdiction. This is a matter of too much importance to be left in doubt. It is obvious that this class of railroads should not be exempt from the supervision of the Commission in relation to their securities, while others are held to strict accountability. The community needs protection from them as well as from others, and that they fall within the spirit of the law seems too plain for argument. The law should be amended so as to remove all question upon the subject.

6. The power of the Commission to require interchange of service between independent telephone companies upon a proper schedule of rates is another matter that should be removed from the province of doubt.

7. Railroad companies should be required to give notice to the Commission of the intention to discontinue stations or service on, or to abandon, any branch or part of their lines, and the public to be affected thereby should have an opportunity to be heard before any such discontinuance or abandonment goes into effect.

8. Under Section 16 of the Public Service Commission Law, provision is made for service at reduced rates, or free, by railroads and street railroads, to persons and institutions, including hospitals, enumerated therein. Acting under the opinion of our General Counsel we were compelled to deny this privilege to a gas company, which proposed to furnish gas for cooking and other purposes, as well as for lighting, to a hospital at reduced rates. We can see no reason why a distinction should be made in the two cases, and recommend an amendment permitting free or reduced rate service by all public service corporations to hospitals supported in part by appropriations from the United States, a State, a county, or a municipality.

9. There is no law in Maryland upon the subject of grade crossing of public and private roads by steam and electric railroads, or providing for the elimination of grade crossings where they now exist. Most of the steam roads were constructed before the importance of the subject was realized—

when, in fact, the population was much less dense than it is today and people had neither the inclination nor the means to travel as they now do. Day by day the danger of serious accidents at grade crossings increases, and at many points it is constant. It is needless to say that an effective remedy is surrounded by real difficulties. So far as future construction is concerned, the Commission can probably take care of the situation. What is needed is a workable and reasonable scheme for the elimination of those now in existence, some of which present more or less difficult engineering problems and financial embarrassment. It is quite clear that the enormous expense of doing away with all of them must be spread over a number of years. The railroad corporations themselves would be glad to get rid of them as soon as possible. In some of the States the law provides for the elimination of a certain percentage of grade crossings every year by each road, and the expense is distributed between the railroad companies, the State government and the county government in definite proportions. Another plan is to require the elimination of one grade crossing each year for a given number of miles of road operated. Of course the work should be done after plans approved by the Commission. It would take considerable time to get even the most pressing cases in shape for operations. It therefore seems to us a matter of importance that appropriate legislation be adopted by the General Assembly at its session of 1912.

10. Section 31¾ of the Public Service Commission Law provides that "No corporation or person shall furnish or put in use any gas meter which shall not have been inspected, proved and sealed, or any electric meter which shall not have been inspected, approved, stamped or marked by an inspector of the Commission." Prior to the adoption of this law, when the inspection of meters was made by the Superintendent of Lamps and Lighting of Baltimore City, a charge was made for the inspection of meters designed to cover the actual cost of the work. The Commission is not empowered to make any charge therefor and the cost of this inspection is, in the aggregate, an item of considerable expense to the State. The operation is now extended to the whole State, and the Commission must be prepared to send an inspector to any point when called upon

to do so. While the public has an interest in this matter, the interest of the corporations is greater, because the inspection relieves them of a large measure of responsibility and of the annoyance of complaints. The Commission should be authorized to establish a scale of fees for the inspection of gas meters and electric meters based as closely as possible upon the actual cost of the work, and we recommend an amendment of the law to that effect.

DISCUSSION.

From time to time, from opinions expressed in the course of interviews and from articles appearing in the newspapers, there are indications of erroneous views of the powers and duties of public service commissions, which it may be worth while to notice. In doing so it should be said at the outset that this Commission is not sensitive under intelligent criticism, and welcomes rather than discourages it. Suggestions of real value have emanated from these sources and have been acted upon with good results.

Laws like that creating this Commission were enacted to meet the growing public demand for the regulation of public service corporations and to obtain publicity for their operation and affairs. More or less friction had arisen between the public and the corporations, which designing men found it profitable to encourage and which it was desirable on every account to remove. The Legislatures were the only channels through which the people could hope to obtain redress for grievances, whether real or fancied; business interests rushed to defend what the people were swift to attack, and as the legislatures had neither the time nor means to make the investigations necessary for intelligent and effective action, the outcome was often a crude law, which must nevertheless remain in force and produce harm instead of good. All sections of the country felt these conditions in greater or less degree. In this situation the commission idea came to the front in the evolution of means to control and regulate corporations in their dealings with the public whom they were incorporated to serve. The utilities operated by these corporations had developed into matters of

public necessity. People, as a consequence of their establishment and the nature of the service offered, had laid aside the customs and facilities of their fathers and were now dependent upon the public service corporations for the means of traveling from place to place, for quick and easy intercommunication, and in cities and towns for light and heat and water. Under these conditions the protection of the public from inadequate service and unreasonable rates was essential to peaceful business relations, without the long wait for legislative action or such remedies as the courts might apply after expensive and wearisome litigation; and the public service commission was created as a tribunal to which resort could be had at a moment's notice by individuals or communities at practically no expense. It was charged with the duty and invested with the power to probe to the bottom of every case, to open up the affairs of every public service corporation, and to compel correction where wrong was found to exist. Moreover, it was commanded to keep itself informed of the condition and practices of the corporations, and of its own motion institute investigations and pass such orders as might be requisite to secure efficient service and a proper observance of law.

It must be understood, however, that Public Service Commission Laws do not aim at the destruction of the public service corporations. They recognize that the businesses that these corporations carry on are too large for individual capital to finance, too intricate and extensive for individual attention to operate successfully, and when properly conducted, so beneficial to the community as to entitle the stockholders of such corporations to a fair return upon the capital actually invested. Indeed, it may be said that the prime object of Public Service Commission Laws is to preserve public utilities for the use of the public at prices which shall not be oppressive. To this end, public service commissions will not permit unnecessary extravagance in the construction, the maintenance or the operation of a corporation under their jurisdiction. At the same time they will insist that the properties be kept in a high state of efficiency, that depreciation is taken care of, and that after fixed charges and reasonable dividends are provided for, excess

revenues shall be returned to the public in the form of reduced rates.

These commissions also consider that one of their most important functions is to represent the people, any one of whom may set the machinery of investigation in motion to ascertain the facts which he thinks justify his complaint.

It will thus be seen that commission control is protective of the utility as well as regulative of the corporation, and its usefulness would be doubtful if this were not so. The community is relieved of the possibility of corporate greed and exactions, the corporations are protected from the onslaught of the "bell ringers" and the expense which their activities entails upon them and which the public ultimately pay. If public service commissions had no more to their credit than the fact that they tend to keep the corporations out of the halls of legislation either as objects of attack for gain or as suppliants for special privileges, their creation would be fully justified. When it is added that they control capitalization of corporations in the interest of reasonable rates, compel them to perform their whole duty to the public in both construction and operation, open up their affairs to public inspection and criticism, settle without cost to contestants controversies which might lead to expensive litigation and adjust innumerable minor complaints, and that these things tend to promote good feeling and general prosperity, there would seem to be no room to question that public service commissions have a proper place in modern administration. Their usefulness will be vastly increased as the corporations and the public adjust themselves to the new conditions and the knowledge and experience of such commissions is enlarged.

Respectfully,

JAMES M. AMBLER,
Chairman.

PHILIP D. LAIRD,
J. W. HERING,
Commissioners.

APPENDIX I.

RECEIPTS AND DISBURSEMENTS OF THE COMMISSION.

FOR THE FISCAL YEAR, MAY 2, 1910, TO APRIL 30, 1911, INCLUSIVE.

SALARIES AND EXPENSES.

SALARIES.

Previously reported (May to Dec., 1910, inc.).. \$17,560 99

January to April, 1911, inc., as follows:

James M. Ambler, Chairman.....	1,000 00
Philip D. Laird, Commissioner.....	1,000 00
Joshua W. Hering, Commissioner.....	1,000 00
Louis M. Duvall, Secretary.....	1,000 00
W. Cabell Bruce, General Counsel.....	1,000 00
Albert C. Ritchie, Assistant Counsel.....	1,000 00
J. C. Bowerman, Chief Stenographer	666 64
H. Winfield Lewis, Clerk.....	500 00
G. Archer Hays, Clerk.....	77 78
Carroll S. Gorman, Stenographer to General Counsel.....	500 00
Wm. T. Russell, Superintendent of Inspectors.	595 97
Louis S. Wilson, Inspector of Gas.....	500 00
John H. Marley, Inspector.....	333 33
Charles E. Phelps, Jr., Chief Engineer.....	1,600 00
J. W. Ebaugh, Inspector.....	333 33
John A. Tompkins, Auditor.....	985 42
Ivy F. Howard, Clerk.....	386 11
J. G. Turner, Clerk.....	300 00
Luke Ellis, Inspector.....	319 89
L. C. Langkam, Inspector.....	86 65
W. A. Lee, Inspector.....	43 33
John D. Riley, Engineer.....	365 00
Charles T. Edwards, Engineer.....	260 00

Total salaries for twelve months ended
May 31, 1911.....

\$31,364 44

EXPENSES.

Previously reported (May, 1910, to December, 1910, inc.).....	\$6,572 17	
January, 1911, to April, 1911, inclusive, as follows:		
Stationery and printing.....	1,277 30	
Furniture and office equipment.....	995 48	
Postage	64 63	
Telephone and telegraph.....	95 10	
Traveling expenses.....	561 47	
Rent	838 35	
Inspection materials.....	165 67	
Library	309 00	
Stenographic reports.....	1,402 30	
Apparatus and appliances.....	1,705 70	
Retainer, D. C. and W. B. Jackson, Consulting Engineers	1,000 00	
Incidentals—		
Towels	\$18 85	
Ice	15 30	
Water	10 40	
Periodicals	9 38	
Sundries	2 18	
Expressage	8 14	
	<u>64 25</u>	
		<u>15,051 42</u>
Total salaries and expenses for twelve months ended April 30, 1911.....		\$46,415 86
Appropriation for the twelve months.....	\$75,000 00	
Salaries and expenses as above.....	<u>46,415 86</u>	
Unexpended balance covered into the Treasury of Maryland.....		\$28,584 14

RECEIPTS FROM OFFICE FEES TRANSMITTED TO THE
TREASURER OF MARYLAND, FOR THE FISCAL
YEAR MAY, 1910, TO APRIL, 1911, INC.

Previously reported (May to Dec., 1910, inc.)..	\$112 15	
1911:		
January	52 40	
February	191 80	
March	95 65	
April	<u>239 00</u>	
Total for twelve months ended April 30, 1911		\$691 00

FOR THE PERIOD FROM MAY 1, 1911, TO DECEMBER 31, 1911,
INCLUSIVE.

SALARIES AND EXPENSES.

SALARIES.

James M. Ambler, Chairman.....	\$2,000 00	
Philip D. Laird, Commissioner.....	2,000 00	
Joshua W. Hering, Commissioner.....	2,000 00	
Louis M. Duvall, Secretary.....	2,000 00	
W. Cabell Bruce, General Counsel.....	2,000 00	
Albert C. Ritchie, Assistant Counsel.....	2,000 00	
J. C. Bowerman, Chief Stenographer	1,333 36	
H. Winfield Lewis, Clerk.....	1,000 00	
J. Archer Hays, Clerk.....	666 65	
Carroll S. Gorman, Stenographer to General Counsel.....	1,000 00	
Wm. T. Russell, Superintendent of Inspectors.	1,200 00	
Louis S. Wilson, Inspector of Gas.....	1,000 00	
John H. Marley, Inspector.....	666 65	
Charles E. Phelps, Jr., Chief Engineer.....	3,200 00	
J. W. Ebaugh, Inspector.....	666 65	
John A. Tompkins, Auditor.....	3,146 87	
Ivy F. Howard, Clerk.....	760 00	
J. G. Turner, Clerk.....	600 00	
Luke Ellis, Inspector.....	739 23	
Charles G. Edwards, Engineer.....	2,536 44	
L. C. Langkam, Inspector.....	400 00	
W. A. Lee, Inspector.....	450 00	
J. D. Riley, Engineer.....	1,085 00	
Carl H. Otte, Clerk.....	544 36	
Special services—		
Dr. Dudley Williams, Bacteriologist... \$665 00		
Dr. Dudley Williams, Services of Helper	35 40	
A. L. Browne, Analytical Chemist.....	553 55	
	<hr/>	
	1,253 95	
	<hr/>	
		\$34,249 16

EXPENSES.

Printing and stationery.....	\$2,133 11	
Furniture	691 68	
Postage	168 14	
Telephone and telegraph.....	192 89	
Rent	2,125 85	
Inspection material.....	23 23	
Library	133 65	
Stenographic reports.....	481 24	
Apparatus and appliances.....	335 60	
Traveling expense.....	787 22	
Incidentals—		
Towels	\$47 40	
Ice	47 88	
Water	42 80	
Periodicals	11 00	
Expressage and freight.....	32 12	
Advertising	12 75	
Electric current.....	21 93	
Hardware and cleaning carpet.....	2 64	
Signs	7 50	
Repairs	13 00	
Insurance three years on furniture, etc.....	84 00	
	<hr/>	323 02
		<hr/>
		\$7,395 63
		<hr/>
Total salaries and expenses for eight months ended December 31, 1911.....		\$41,644 79
Appropriation for twelve months ended April 30, 1911.....	\$75,000 00	
Salaries and expenses for eight months, as above	41,644 79	
	<hr/>	
Unexpended balance.....		\$33,355 21

RECEIPTS FROM OFFICE FEES TRANSMITTED TO THE
TREASURER OF MARYLAND FOR THE EIGHT MONTHS
FROM MAY, 1911, TO DECEMBER, 1911, INC.

1911:

May	\$109 80	
June	259 65	
July	40 85	
August	124 65	
September	16 20	
October	50 25	
November	102 00	
December	47 45	
	<hr/>	\$750 85

APPENDIX II.

OPINIONS AND ORDERS OF THE COM- MISSION.

ORDER No. 162

In the matter of	} Before the Public Service Commis- sion of Maryland. Case No. 86.
The Application of the PULLMAN COM- PANY, Publishing Reduced Rate Tariff	
Effective in Less than Statutory Period.	

Ordered, That the Pullman Company be and it is hereby authorized to establish a new tariff, effective February 1, 1911, reducing rates within the State of Maryland, so that where the lower berth rate is \$1.50, the rate for the upper berth between the same points will be \$1.25, and where the lower berth rate is \$1.75 or more, the upper berth rate between the same points will be 80% thereof; provided a tariff naming such rates shall be filed with this Commission and posted at stations at least two days prior to the said 1st day of February, 1911. Such tariff shall be so filed and posted within thirty days from the date of this order and bear the following notation: "Issued under special permission of the Public Service Commission of Maryland, No. 162, of date January 3, 1911."

OPINION

(Filed January 4, 1911.)

In the matter of

The Application of the FREDERICK RAILROAD COMPANY for Permission and Approval of the Exercise of Franchises in Frederick City, and for Authority to Issue and Sell \$72,000 of Preferred Capital Stock and \$167,000 of First Mortgage 5% Gold Bonds, to Provide Means of Paying for Extensions and Improvements of Its Facilities; and, also, the Purchase of 1,736 Shares of the Preferred Capital Stock and 2,265 Shares of the Common Capital Stock of the Frederick Gas and Electric Company, at the Price of \$40,000.

Before the Public
Service Commis
sion of Maryland.

Case No. 63.

LAIRD, Commissioner.

In the opinion filed in this case on the 12th day of December, 1910, this Commission reserved its opinion upon that part of the application of the Frederick Railroad Company which asked its approval of the issue of \$40,000 of its preferred stock to pay for 1736 shares of the preferred stock and 2265 shares of the common stock of the Frederick Gas and Electric Company, of the par value of \$25.00 per share, or an aggregate par value of \$100,025.00, for the price of \$40,000, and against which issue protest was filed on behalf of Cramp, Mitchell and Shober, of Philadelphia.

It is advisable to state here more fully the facts that relate to this matter, because the papers filed subsequently to the hearing on December 9th and whose existence was then for the first time disclosed, alter in some degree the statement made in the opinion filed December 12th. The opinion states that "in March, 1910, prior to the passage of the Public Service Commission Law, the Frederick Railroad Company entered into an

agreement to purchase 1,736 shares of the preferred capital stock and 2,265 shares of the common capital stock of the Frederick Gas and Electric Company for the sum of forty thousand dollars (\$40,000), the par value being \$25 per share, or an aggregate par value of \$100,025. This purchase of stock would give the Frederick Railroad Company control of the Frederick Gas and Electric Company."

The protest of Cramp, Mitchell and Shober alleges that they are owners of 1,484 shares of the common stock and 1,186 shares of the preferred stock of the Frederick Gas and Electric Company, approximately one-third of the entire issue; that they have sold the bonds of said company, from the proceeds of which sale the property of the Company has been built and extensions thereof and additions thereto have been made, and that the owners of the bonds and holders of additional shares of common and preferred stock in addition to those owned by them, look to the objectors to protect their interests; that it will be contrary to the interests of the remaining stockholders and of the citizens of Frederick that the railroad company should be permitted to control the affairs of the gas and electric company; that Section 35 of the Public Service Commission Law prohibits any corporation other than a gas or electrical corporation from purchasing or holding more than ten per centum of the capital stock of any gas or electrical corporation; that the business carried on by the Frederick Gas and Electric Company includes gas as a business as well as an electric business, and that the Frederick Railroad Company has no charter power to engage in any gas business.

The subject matter of this protest is therein considered as in the nature of an option to purchase the stock, and was so considered by the Commission and up to the time of the hearing on the protest on December 9, 1910, owing to the inexact phraseology of the application. At that time it developed that a written contract existed and that formal action had been taken by the Board of Directors of the railroad company. Upon the demand of the Commission these have since been filed in the case, and the real facts of the case appear to be as follows: On the 15th of February, 1910, by a resolution of the Board of Directors of the Frederick Railroad Company, the

President was authorized to purchase the holdings of the local syndicate owning 1,736 shares of the preferred stock and 2,265 shares of the common stock of the Frederick Gas and Electric Company, being a majority of said stock, for the sum of \$40,000 payable either in cash or in the stock of the railroad company, as he might be able to arrange.

Pursuant to this resolution an agreement to purchase was executed on the 10th of March, 1910, by Franklin B. Smith and others, of the first part, and the Frederick Railroad Company, of the second part, wherein the parties of the first part agreed to sell and deliver to the party of the second part said shares of stock, and the party of the second part agreed to purchase the same and to pay for them at the time and in the manner set forth in the agreement.

The legal questions raised by the protest were referred to the General Counsel of the Commission, who, in an opinion filed, has reached the conclusion, that the so-called agreement is not an option to purchase but is a sale of the stock by the Syndicate to the Frederick Railroad Company; that the stock in question is to be deemed as lawfully acquired prior to the enactment of the Public Service Commission Law; and that the prohibitions contained in Section 35 of the Law do not apply, but that the sale is rather protected by the clause which provides that nothing therein contained "shall be construed to prevent the holding of stock heretofore lawfully acquired."

Upon the strength of this opinion the conclusion follows that the purchase price of the stock is an obligation of the railroad company which it is in duty bound to pay, and for "the discharge or lawful refunding" of which the Commission may properly authorize the issue of stock or bonds. The existence of the obligation conceded, there can be no doubt of the advisability of converting it from a floating debt to a funded debt, and in this sense and to this extent, it may be said to be "reasonably required for the purposes" of the railroad company.

ORDER No. 164

(SUPPLEMENTAL ORDER)

In the matter of

The Application of the FREDERICK RAILROAD COMPANY for Permission and Approval of the Exercise of Franchises in Frederick City, and for Authority to Issue and Sell \$72,000 of Preferred Capital Stock and \$167,000 of First Mortgage 5% Gold Bonds, to Provide Means of Paying for Extensions and Improvements of Its Facilities; and, also, the Purchase of 1,736 Shares of the Preferred Capital Stock and 2,265 Shares of the Common Capital Stock of the Frederick Gas and Electric Company, at the Price of \$40,000.

Before the Public
Service Commis-
sion of Maryland.

Case No. 63.

It is by the Public Service Commission of Maryland, this 4th day of January, 1911,

Ordered, 1. That the Frederick Railroad Company be, and is hereby, authorized to issue and sell at par for cash, 800 shares of its preferred capital stock, of the aggregate par value of \$40,000, to provide the means of paying for 1,736 shares of the preferred stock and 2,265 shares of the common stock of the Frederick Gas and Electric Company, which, under contract of March 10, 1910, it bought from Franklin B. Smith and others; the Commission being of opinion, under the advice of counsel, that the use of the capital to be secured by the issue of such stock is reasonably required for the discharge of an obligation of the said company, one of the purposes authorized by Section 27 of the Public Service Commission Law.

2. That the said Frederick Railroad Company shall report to this Commission (a) upon the sale of any of the stock hereby authorized, the fact of such sale or sales, the terms and conditions thereof and the amount realized therefrom, and (b) at the termination of each period of six months from the date

of this order the disposition and use made of the proceeds of sale of the said stock hereby authorized and the facts and circumstances as to the stock acquired thereby until the whole of the said sum of \$40,000 has been duly accounted; such reports to be verified as required by the rules of this Commission.

ORDER No. 166

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 87.
The Application of the BALTIMORE AND OHIO RAILROAD COMPANY for Authority to Establish and Publish Tariff on Cin- der, Carloads, from Riverside, Md., to Lansdowne, Md., Effective on Less than Statutory Notice.		

This is a petition on behalf of the Baltimore and Ohio Railroad Company, to be permitted to establish and publish on less than statutory notice, a rate upon cinder, in car-load lots, from Riverside, Maryland to Lansdowne, Maryland. The petition states that the only rate now lawfully available is the sixth class rate of \$1.00 per ton, published in tariff P. S. C. Md., No. 100, and that there are shipments of this commodity now awaiting transportation, to be used for road-making purposes.

Upon due consideration of said petition, it is this 5th day of January, 1911,

~~Ordered~~, That the Baltimore and Ohio Railroad Company be and it is hereby authorized to establish and publish a through rate of forty cents per net ton on cinder, car-loads, minimum weight 25,000 pounds, from Riverside, Maryland to Lansdowne, Maryland.

PROVIDED, No higher rate from Riverside, Maryland, be charged on said commodity in said car-load lots to any point intermediate between Riverside and Lansdowne, Maryland.

And PROVIDED FURTHER, That the tariff naming said rate be filed with this Commission and published by posting at

Riverside Station immediately upon the issuance of this order. Such tariff shall be so filed and published within two days from the date of this order and it shall bear the following notation :

"Issued under special permission of the Public Service Commission of Maryland, of date January 5, 1911, Case No. 87."

ORDER No. 168

In the matter of	}	
The Application of the TOLCHESTER BEACH IMPROVEMENT COMPANY for Authority to File and Publish Reduced Class and Commodity Rates Between Baltimore and Annapolis, on Less than Statutory Notice.		Before the Public Service Commis- sion of Maryland. Case No. 88.

This is a petition on behalf of the Tolchester Beach Improvement Company to establish and publish on less than statutory notice, class and commodity rates on shipments of merchandise between Baltimore, Maryland, and Annapolis, Maryland. The petition states that since the filing of its tariff schedule P. S. C., Md., No. 1, containing the class and commodity rates existing at the time of filing between the points above named, it has decided to decrease a number of the rates established in said tariff P. S. C., Md., No. 1.

Upon due consideration of said application, it is this 11th day of January, 1911,

Ordered, That the Tolchester Beach Improvement Company be, and it is hereby authorized, to establish and publish a new tariff covering class and commodity rates on shipments between Baltimore and Annapolis, reducing certain rates between said points as in said application set forth, effective January 15, 1911.

PROVIDED, Such new tariff does not increase any rate published in tariff P. S. C., Md., No. 1, above referred to; and

PROVIDED FURTHER, That the tariff naming said rates be filed with this Commission, duly marked P. S. C., Md., No. 6, superceding P. S. C., Md., No. 1, and published by posting at the stations of said company at Baltimore and Annapolis immediately upon the issue of this order. Such tariff shall be so filed and published within two days from the date of this order and it shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, of date January 11, 1911, Case No. 88."

ORDER No. 170

In the matter of

The Application of the PARK HEIGHTS
WATER COMPANY OF BALTIMORE COUNTY,
the MORTIMER HEIGHTS WATER COM-
PANY, and the SUBURBAN WATER COM-
PANY.

} Before the Public
Service Commis-
sion of Maryland.

Case No. 68.

On the application of the Park Heights Water Company of Baltimore County for permission and approval of the sale of all its property and franchises, including easements and good will, to the Suburban Water Company, at a valuation of \$175,000, and of the Mortimer Heights Water Company for permission and approval of the sale of all its property and franchises, including easements and good will, to the Suburban Water Company at a valuation of \$35,000, and of the Suburban Water Company for permission and approval of the said sales and also for an order authorizing it in payment therefor to issue its capital stock to the amount of \$120,000 and its bonds to the amount of \$90,000 secured by first mortgage on the property so purchased, it is by the Public Service Commission of Maryland, this eleventh day of January, 1911,

~~Ordered~~, 1. That permission and approval of this Commission be, and are hereby, given to the sale and transfer by the Park Heights Water Company of Baltimore County to the Sub-

urban Water Company of all its property and franchises, including easements and good will, at a valuation of \$145,833.33, and permission and approval are also hereby given to the purchase and acquisition of said property and rights by the said Suburban Water Company at said valuation, payable as hereinafter set forth.

2. That permission and approval of this Commission, be and are hereby given to the sale and transfer by Mortimer W. West to the Suburban Water Company of all the property and rights, including good will and easements, belonging or appurtenant to or connected with the business conducted by him under the name of the Mortimer Heights Water Company, and particularly the exclusive right to lay mains for distribution of water in, under or on the lands now belonging to him and known as Mortimer Heights, at a valuation of \$29,166.67; and permission and approval are also given to the purchase and acquisition of the said property and rights by the Suburban Water Company at said valuation, payable as hereinafter set forth.

3. That the Suburban Water Company be and it is hereby authorized to exercise the franchise conferred by its charter and also in payment for all of the property and rights to be acquired by it under the purchases hereinbefore approved to issue its capital stock to the amount of \$100,000, and its bonds to the amount of \$75,000, bearing interest at the rate of 6 per cent. per annum, payable semi-annually, and secured by first mortgage upon all of the property so purchased and such as may hereafter be acquired; this Commission being of opinion that the use of the capital to be secured by the issue of such stock and bonds is reasonably required for the acquisition of the property aforesaid, one of the purposes permitted by the Public Service Commission Law; and the said \$75,000 of bonds may be part only of series of bonds secured by a first mortgage or deed of trust upon the property aforesaid and all other property that the said company may acquire; provided such mortgage or deed of trust shall be of a form and to a trustee to be approved by this Commission and shall contain provisions prohibiting the issue of additional bonds thereunder except for the acquisition of additional property or other purpose to be approved by this Commission.

4. And it is **FURTHER ~~Ordered~~**, That said Suburban Water Company shall, within three months from the date hereof report its proceedings hereunder to this Commission, and such report shall be verified by the affidavit of at least two of its Directors.

ORDER No. 172

In the matter of	}	Before the Public Service Commis- sion of Maryland.
The Application of the BALTIMORE AND OHIO RAILROAD COMPANY for Authority to Establish and Publish Tariff on Ma- nure, Carloads, from Fell Street to Mt. Clare Station and Carroll Park Switch, Baltimore, Md., Effective on Less than Statutory Notice.		Case No. 92.

This is a petition of the Baltimore and Ohio Railroad Company to be permitted to establish and publish on less than statutory notice a rate upon manure in carload lots from Fell street to Mt. Clare Station and Carroll Park switch, Baltimore, Maryland. The petition states that the only rate now lawfully available is the sixth class rate of 2½ cents per 100 pounds from Locust Point, published in P. S. C., Md., No. 100, plus lighterage charge of 2 cents per 100 pounds, published in P. S. C., Md., No. 126, and it desires to establish rate between the points above named of 40 cents per 2,000 pounds on manure in carload lots of 40,000 pounds minimum weight.

Upon due consideration of said petition, it is this 12th day of January, 1911,

~~Ordered~~, That the Baltimore and Ohio Railroad Company be, and it is hereby authorized to establish and publish a through rate of forty cents per two thousand pounds on manure, carloads, minimum weight of forty thousand pounds, from Fell street to Mount Clare Station and Carroll Park switch, Baltimore, Maryland.

PROVIDED, No higher rate from Fell street, Baltimore, Maryland, be charged on said commodity in said carload lots to any point intermediate between said Fell street and Mt. Clare Station or Carroll Park switch, Baltimore, Maryland; and

PROVIDED FURTHER, That the tariff naming said rate be filed with this Commission and published by posting at Fell Street Station immediately upon the issue of this order. Such tariff shall be so filed and published within two days from the date of this order and it shall bear the following notation: "Issued under special permission of the Public Service Commission of Maryland, of date January 12, 1911, Case No. 92."

ORDER No. 173

In the matter of	} Before the Public Service Commis- sion of Maryland. Case No. 93.
THE BEL AIR ELECTRIC COMPANY,	
Complainant,	
vs.	
MARYLAND & PENNSYLVANIA RAILROAD Co.,	
Defendant.	

AUTHORITY TO REFUND \$31.00

Upon a shipment made on January 5th, 1911, of a car load of crushed stone weighing 68,900 pounds over the Maryland and Pennsylvania Railroad from Baltimore, Maryland, to Bel Air, Maryland, the defendant, the Maryland and Pennsylvania Railroad Company exacted from the complainant, the Bel Air Electric Company, for the transportation of the said carload its 6th class rate of 7 cents per 100 lbs., according to its published tariff. This made the entire charge \$48.23. The complainant claims, and the defendant admits that the rate of 7 cents per 100 lbs. on a carload of 68,900 pounds was excessive, and that a just and reasonable charge would have been 50 cents per 2,000 pounds. And defendant further states that in providing for special rates published on November 1, 1910, to

comply with the requirements of the Public Service Commission Law, a movement of stone between the two points mentioned was not anticipated, and therefore a rate was not issued to conform with the character of shipment, but that it will arrange as promptly as possible in the regular way for similar shipments in future between the said points a rate of 50 cents per 2,000 pounds, carload, minimum weight 60,000 pounds.

It appearing to the Commission that reparation to the extent of the difference between \$48.23, the amount collected on said shipment, and \$17.23, the sum produced by a rate of 50 cents per 2,000 pounds on 68,900 pounds, that is to say \$31.00, should be allowed to the complainant upon said shipment; it is accordingly this 14th day of January, 1911,

Ordered, That the complainant, the Bel Air Electric Company, is entitled to recover from the defendant, the Maryland and Pennsylvania Railroad Company, the sum of \$31.00 as reparation for and on account of the exaction by the defendant of the said unjust and unreasonable charge of \$48.23 for transportation of the shipment aforesaid.

ORDER No. 174

<p>In the matter of</p> <p>H. L. THOMAS & SON, Complainants,</p> <p style="text-align: center;"><i>vs.</i></p> <p>THE BALTIMORE AND OHIO RAILROAD Co.,</p> <p style="text-align: center;">Defendant.</p>	}	<p>Before the Public Service Commis- sion of Maryland.</p> <p>Case No. 94.</p>
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AUTHORITY TO REFUND \$57.96.

Upon shipments made November 25th, 28th, 30th and December 3rd, 1910, respectively of four (4) carloads of manure, one on each of said respective dates, said shipments weighing respectively 62,100, 57,800, 53,500 and 58,400 lbs.; aggregating 231,800 lbs.; from Fells Street Station, Maryland, to Mt. Clare Station, Baltimore, within this State, the Baltimore and Ohio

Railroad Company exacted from complainants, H. L. Thomas and Son, for the transportation of said carloads of manure the sum of \$104.32, the same being 90 cts. per net ton on a weight of 231,800 lbs. Such rate of 90 cts. per net ton was in effect under defendant's tariff, P. S. C., Md., No. 100, and P. S. C., Md., No. 126, duly filed with this Commission, being the class rate of 2½ cts. per hundred lbs., with the addition of the arbitrary lighterage charge of 2 cts. per hundred lbs., and on January 12, 1911, on application filed, permission was granted to defendants to establish a commodity rate of 40 cts. per net ton on shipments of manure in carload lots, between Fell Street Station and Mt. Clare Station, and Carroll Park switch, in the State of Maryland.

Complainant claims, and defendant admits, that the rate of 90 cts. per net ton was excessive, and defendant further admits that the rate of 40 cts. per net ton, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between the amount collected upon said shipments, and the sum produced by the rate of 40 cts. per net ton, thereon, should be allowed the complainants upon said shipments, it is

~~Ordered~~, This 17th day of January, 1911, that the complainants, H. L. Thomas and Son, are entitled to recover from the defendant, the Baltimore and Ohio Railroad Company, the sum of \$57.96, as reparation for and on account of exaction by defendant of said unjust and unreasonable charge of \$104.32 for transportation of the shipments aforesaid.

ORDER No. 175

MAYOR AND COUNCIL OF EASTON

vs.

EASTON LIGHT AND FUEL COMPANY.

} Before the Public
Service Commis-
sion of Maryland.

} Case No. 66.

Upon consideration of the report of the Chief Engineer of this Commission, dated January 17, 1911, in relation to the

gas works of the Easton Light and Fuel Company, the Commission being of opinion from the evidence submitted, including said report, that the public convenience requires immediate improvement in the physical condition of said works and in the method of manufacturing gas supplied to the patrons of said company, to the end that said corporation shall furnish and provide such service, instrumentalities and facilities as shall be reasonably safe and adequate and in all respects just and reasonable; it is thereupon this 19th day of January, 1911,

Ordered, That the said Easton Light and Fuel Company be, and is hereby required to forthwith make the improvements in its gas plant in the town of Easton, Maryland, and in the methods of manufacturing gas thereat, contained in said report of the Chief Engineer of the Public Service Commission, a copy of which is hereto appended and made a part thereof; the other grounds of complaint contained in the petition filed in this case being retained for the future determination and order of the Commission.

It is **FURTHER Ordered,** That said Easton Light and Fuel Company report to this Commission on or before February 1, 1911, and every two weeks thereafter, the progress of the work of installment of the improvements herein ordered to be made.

ORDER No. 177

In the matter of	}	Before the Public Service Commis- sion of Maryland.
The Elimination of Higher Charges for		
Shorter Hauls, Section 19, Public Serv-		
ice Commission Law.		

This matter being under consideration, and for the purpose of eliminating higher charges for shorter hauls as same are referred to in the section above noted, it is

Ordered, By the Public Service Commission of Maryland, this 23rd day of January, 1911, that carriers be, and they are hereby authorized to make such changes effective on one day's

notice to the Commission and the public in the manner required by law, provided such changes are, in each instance, reductions in rates, fares or charges.

Tariffs or supplements which contain changes made under authority of this order shall bear notation on title page:

"Issued by authority of Public Service Commission of Maryland, Order No. 177, passed January 23rd, 1911."

OPINION.

OLD FREDERICK ROAD IMPROVEMENT ASSOCIATION	} Before the Public Service Commis- sion of Maryland.
vs.	
UNITED RAILWAYS AND ELECTRIC COMPANY OF BALTIMORE.	} Case No. 54.

LAIRD, Commissioner.

In this case the following petition, signed by Clarence Hampson, president, and 278 residents of Baltimore County, was filed:

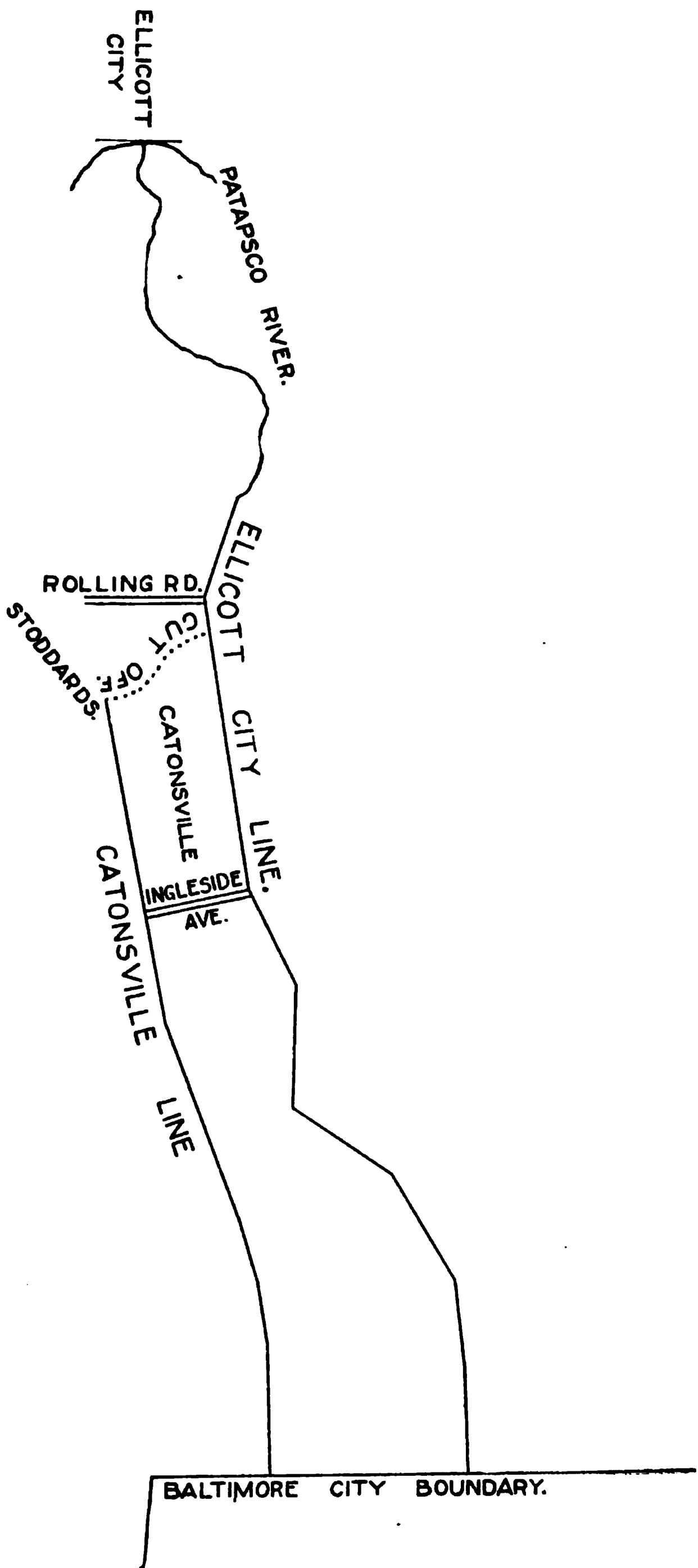
"We, the undersigned, members of the Old Frederick Road Improvement Association, property owners and residents of Baltimore County living west of the Rolling road and east of the Patapsco River, using the Ellicott City line of cars, would hereby petition your Honorable Body to grant us a hearing in reference to a reduction of fare on this line of cars, transfers in Baltimore City, and transfers from the Ellicott City line of cars to the Catonsville line of cars at the junction of the two lines east of the Rolling Road." At the hearing residents of Ellicott City, having similar interests, appeared and urged the granting of the petition.

The facts gathered from the evidence are, briefly stated, as follows: The United Railways and Electric Company of Baltimore operates a line of street railroad from Baltimore City to Ellicott City, in Howard County, the suburban section of

which extends a distance of about seven miles. The line enters Baltimore on Edmondson avenue and terminates at Saratoga and Charles streets. The operation of the line in the city is subject to an ordinance of the Mayor and City Council of Baltimore, which requires one transfer to any crossing line within the city limits, but there is no transfer at the terminus of the line. The company also operates a line from Catonsville to and through Baltimore to Towson, the county seat of Baltimore County. The suburban section from Baltimore to Catonsville, about three miles in length, terminates at Stoddard's which is, roughly speaking, the western limit of the village of Catonsville. The route traversed by this line affords the usual transfer privileges within the city limits, and also carries passengers to Govan's Switch on the line to Towson, over another suburban section of the road, without the payment of an extra fare—a privilege not enjoyed by the patrons of the Ellicott City line.

A short distance outside of Baltimore the Ellicott City line bears to the Southward until it comes within about half a mile of the Catonsville line, and thence the two lines are parallel at practically that distance apart to the present terminus of the latter line. From the terminus (so called) at Stoddard's the tracks of the Catonsville line extend in a northerly direction for the distance of forty-seven hundredths of a mile and form a junction with the tracks of the Ellicott City line. This short section of road, commonly called "the cut-off," is part of the line as originally operated to Ellicott City, pending the construction of the eastern section of the Ellicott City line as now operated. When this was completed, the cut-off was abandoned for passenger traffic, but it is maintained and equipped with the necessary overhead structures for the operation of cars, and continues to be used for express and mail service. On the Catonsville line a single fare is charged from the city limits to Stoddard's. On the Ellicott City line there are two-fare zones outside of the city, one from the city limits to Ingleside avenue in Catonsville, with an overlap to the Rolling Road (which is a short distance west of the junction with the cut-off), the other from Ingleside avenue to Ellicott City. East bound passengers originating west of the Rolling

Road have the overlap privilege to Ingleside avenue. Ingleside avenue extends from the road upon which the tracks of the Ellicott City line are laid, to the Frederick Turnpike, upon which the tracks of the Catonsville line are laid, and is the most direct and frequented route for reaching one line from the other. Although there is a physical connection between the two lines of railroad by means of the cut-off, there is no traffic connection except, as stated, for freight, express and mail service. Persons desiring to get from a point on one line to a point on the other, are obliged to alight at Ingleside avenue and walk the half-mile of its length in order to do so. The locations appear in the sketch map on the following page, which has been traced from the official map of the Maryland Geological Survey.



Ellicott City is situated on the western bank of the Patapsco River, which separates Howard and Baltimore Counties, and all of the Ellicott City line of railroad lies in Baltimore County except the few hundred feet across the river and in Ellicott City. Between the Patapsco River and Catonsville there is a considerable area of country, which is fairly settled and well improved, and the children of the section attend the Public High School in Catonsville. The only railroad communication between this part of Baltimore County and the county seat at Towson is through Baltimore over the lines of the United Railways and electric Company. All of the business houses, the bank, the churches with one exception, and the high school, in Catonsville, are located on the Frederick Turnpike, upon which the Catonsville line of cars is operated. Most of them are west of Ingleside avenue, though the high school and one of the churches are a short distance east of that thoroughfare.

We will take up the several matters in the order in which they are presented in the petition, and the objections of the corporation will be set out in the course of the discussion.

1. The Reduction of Fare from Ellicott City to Baltimore.

In the case of *Gillette v. United Railways and Electric Company of Baltimore*, No. 27, this Commission decided that the present fare of ten cents from the city limits to Ellicott City is not unreasonable in view of all the circumstances of the case, and we see no reason to change the ruling then made. As to this matter, the prayer of the petitioner is denied.

2. Transfers and Rerouting of the Ellicott City Line in Baltimore.

The hearings disclosed two grounds of complaint under this head: (a) That the routing of the cars is such that a large number of the patrons are compelled to transfer at inconvenient points or to walk a considerable distance to their destinations; (b) that the patrons of this line are denied the privilege of a transfer to the York Road line, which would enable them

to reach Govan's Switch on the line to Towson without the payment of an extra fare, a privilege enjoyed by the patrons of the parallel Catonsville line. To the first of these complaints the company interposed a number of objections, such as the physical impossibility of running the cars down Charles street owing to the size of the cars and the closeness of the track centers; the inconvenience and delays that would be caused by a change down Howard street to the already congested section of the city, and the complaints that would arise from those patrons who reach that part of the city contiguous to the present terminus of the line at Saratoga and Charles streets. The Commission is so far impressed with this reasoning that it does not feel justified at this time in ordering a change in the routing of the line.

To the second complaint the company, through its counsel, makes the following tender: "Being desirous of accommodating our patrons as far as it reasonably can be done, the company is willing to issue walking transfers from east-bound Ellicott City cars which will be good on east-bound Towson cars at Charles and Fayette streets; and from west-bound Towson cars which will be received on west-bound Ellicott City cars at Howard and Lexington streets, until such time as it may be practicable to make a more satisfactory adjustment of the matter." As the re-routing of the cars appears to be impracticable at present, and it is not probable that a large number of persons would avail themselves of this privilege at any one time, the Commission will adopt the suggestion of the company and embody it in the order to be passed in this case. We do this the more readily because the privilege will also accrue to those patrons of the line residing in the county, who board the cars at and east of Ingleside avenue.

3. Transfers from the Ellicott City line to the Catonsville line at the Cut-off.

The railway company made very strenuous objection to this proposition and gave a number of reasons why, from its standpoint, it is impracticable and unfair to require this service.

We are unable to reach the conclusions which the corporation would force upon us. This Commission is charged with the enforcement of a law that contains provisions in regard to the character of service which public service corporations shall furnish to their patrons and customers, and which the Commission and the corporations cannot evade.

It is elementary law that a public service corporation "is in the exercise of a public employment, and has assumed the duty of serving the public while in that employment;" and that it is the nature of the service undertaken to be performed that creates the duty to the public, and in which the public have an interest, and not simply the body that may be invested with the power." (C. & P. Telephone Co. v. B. & O. Railroad Co., 66 Md., 413-4.) It follows that the corporation may not abandon or refuse to place at the disposal of the public such facilities as it may have which, if put in operation, would be for the public convenience. Section 13 of the Public Service Commission Law provides that every corporation performing the services designated in the preceding sections "shall furnish, with respect thereto, such service and facilities as shall be safe and adequate and in all respects just and reasonable," and that the Commission shall have general supervision of all common carriers, railroads, street railroads, railroad corporations, and street railroad corporations, transporting passengers, freight or property from one point to another within the State," and shall have power to and shall examine the same or cause the same to be examined, and keep informed as to their general condition, their capitalization, their franchises and the manner in which their lines owned, leased, controlled or operated and managed within this State both with respect to the adequacy, security and accommodation afforded by their service, and also with respect to their compliance with all provisions of law and orders of the Commission." Section 23 clothes the Commission with power to "determine the just, reasonable, adequate and proper regulations, practices, equipment, appliances and service to be in force and to be observed in respect to such transportation;" and Section 24 with power to order that more cars be run, or "make any other suitable order that the Commission may de-

termine reasonably necessary to accommodate and transport the traffic, passenger or freight, transported or offered for transportation."

The cut-off, although it is now used only for the transportation of express and mail matter, is part of the track system of the United Railways and Electric Company, it is equipped with the necessary overhead structures to operate passenger cars, and it is operated under a franchise from the State, and its use for the public convenience is not to be withheld at the mere pleasure of the corporation. It may be conceded that the operation of passenger cars over the cut-off will entail some additional expense upon the company, and may also cause some trouble at first, at least, but it does not follow that the public is not, for these reasons, entitled to the service. If the facilities it possesses, but does not use, will afford better service to its patrons if operated in a different manner than that which now prevails, the corporation should not be permitted to deprive the traveling public of the superior service upon the consideration of profits or difficulties of operation personal to itself. Of course, we do not mean by this that the Commission should increase the expense and difficulties of operation to the point where the company would be crippled in its efforts to furnish adequate service in its entire system, and it would be manifestly unjust and unwise to produce such a condition upon the demand of a limited number of patrons and for the benefit of a particular territory; but we do not see that any such result would follow upon granting the relief asked in this case. The evidence shows that a number of passengers on the Ellicott City line who board the cars west of the cut-off have business in Catonsville, and are compelled to take the half mile walk over Ingleside avenue in order to get to the business section of the village, that school children and persons wishing to attend church are driven to the same inconvenience, and this in all conditions of weather, while the corporation which they patronize owns the facilities to place them at or near their destinations, which it refuses to open to them upon the ground that it would cause some trouble and some additional expense to do so. It is probable, too, that some of these people may have business with persons living along the Catonsville line

east of Catonsville, and that others may desire to reach the section of Baltimore traversed by the Catonsville line, which they could do more expeditiously than by the Ellicott City line, and without, in some instances, the annoyance of a transfer or the payment of an extra fare. Statements filed by the company in the Gillette case show that a large number of passengers originate west of Ingleside avenue, the great majority of whom continue their ride to the city, and become contributors to the revenues of the company upon its city lines, so that first and last it derives considerable income from the patrons of that part of the line. Upon the whole, we do not think some additional service is an unreasonable requirement.

Stress was laid upon the earnings per car mile on the Ellicott City line as compared with the earnings for the whole system, but it was not shown that with this additional service the line would be operated at an actual loss. When it is remembered, as stated above, that the traffic originating on this line contributes largely to the earnings of other lines with heavy traffic, and thus contributes to the standard of earnings of the system, the discrepancy is reduced to a considerable degree. Furthermore, the system is what the company has made it, and the company should not use the system for one purpose and segregate the lines for another purpose.

It was also claimed in behalf of the company, that the effect of the issue of transfers for the overlap from Ingleside avenue on the Catonsville line to the Ellicott City line at the junction of the cut-off, would be subject to great abuse; but we cannot see why this may not be controlled here as well as elsewhere on the company's lines, or why the simple overlap privilege may not be permitted here as it is on the other line, or why it will result practically in a single fare from Ellicott City to the city limits. Granted that the service is upon general principles reasonable, as we have endeavored to show, the company should be able, from its long experience, to devise a satisfactory method of dealing with the situation in this particular, and also in arranging the schedules to provide the necessary layover at the terminus, and at the same time maintain the proper interval of time between the cars.

An intimation was thrown out that it might be necessary, in case the Commission granted the petition, to run a "tripper" over the cut-off. This would furnish a very unsatisfactory service. It should be authorized only upon the strongest reasons, and after an extension of the car service on the Catonsville line over the cut-off is demonstrated to be impracticable.

It seems probable that the traffic over the cut-off will not justify the operation of every car of the Catonsville line thereon, and that a possible hardship would be imposed upon the company by requiring it to do so. At first, at least, a limited service would meet the necessities of the case, and the Commission will provide therefor in the Order to be passed in the case, without prejudice to the rights of either party to these proceedings to apply for a modification of the Order, and reserving to the Commission itself to change said Order upon due notice to the parties.

It is also probable that it will be necessary for the company to make arrangements for carrying the change into effect, and sufficient time will be allowed in the Order for that purpose.

ORDER No. 179

<p>In the matter of</p> <p>OLD FREDERICK ROAD IMPROVEMENT ASSOCIATION ET AL.</p> <p>vs.</p> <p>THE UNITED RAILWAYS AND ELECTRIC COM- PANY OF BALTIMORE.</p>	}	<p>Before the Public Service Commis- sion of Maryland. Case No. 54.</p>
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WHEREAS, The Old Frederick Road Improvement Association has petitioned for a reduction of fare on the Ellicott City line of railway, and increase of transfer facilities from said line in Baltimore City, and transfers from said line to the Towson and Catonsville line, at the junction of the two lines east of the Rolling Road near Catonsville, which said lines of railway

are operated by The United Railways and Electric Company of Baltimore; and

WHEREAS, After hearings upon said petition and the taking of testimony, and full consideration of the facts of the case, this Commission is of the opinion that the same should be denied in part and granted in part;

It is, THEREFORE, This 24th day of January, 1911,

~~Ordered~~, by the Public Service Commission, that the petition of the complainants, so far as it relates to the reduction of fares on the Western section or zone of the Ellicott City line of The United Railways and Electric Company of Baltimore be, and the same is hereby dismissed, the subject matter thereof having been heretofore disposed of in the order of the Commission in the case of Edward M. Gillette, and others, against said corporation, No. 27.

2. That pursuant to the tender of the respondent filed in this case, the said United Railways and Electric Company of Baltimore be, and is hereby ordered to issue transfers from east-bound cars of its Ellicott City line, which shall be good on east-bound cars of its Towson and Catonsville line at Charles and Fayette streets in Baltimore City, and also from west-bound cars of its Towson and Catonsville line, which shall be good on west-bound cars of its Ellicott City line at Lexington and Howard streets.

3. That the said The United Railways and Electric Company of Baltimore be, and it is hereby ordered to extend the run or trip of some of its cars on the Catonsville Division of its Towson-Catonsville line, on and over the extension of said line commonly called the "Cut-off," from the present passenger terminus at Stoddard's Hotel, in the village of Catonsville to the junction of said "Cut-off," with its Ellicott City line (Edmondson avenue and "Cut-off"), and to operate, approximately, an half-hour service over said "Cut-off"; and that the schedule of such service be submitted to the Public Service Commission for its approval before same is put into effect.

4. That the said Railways Company be, and is hereby ordered, to put an overlap between said Junction and Ingleside avenue and Frederick Road, in the village of Catonsville, on its Towson and Catonsville line, of the same general character

as that now permitted to Ingleside and Edmondson avenue, on its Ellicott City line, so that passengers originating in Ellicott City, or at points along the Ellicott City line west of said Junction, may have the privilege of reaching Ingleside avenue and Frederick Road, Catonsville, by changing to the Towson and Catonsville line at the Junction, for the same fare for which they can now reach Ingleside avenue and Edmondson avenue on the Ellicott City line; and that west-bound passengers on the Towson and Catonsville line may reach the said Junction for the same fare that carries them to Stoddard's Hotel.

5. It is **FURTHER ~~Ordered~~**, That said United Railways and Electric Company of Baltimore shall carry out and put into effect all the matters and things required of it to be done and performed, within thirty days from the date hereof.

6. It is **FURTHER ~~Ordered~~**, That any party or parties affected by this order, shall have the right at any time to apply to the Commission for a modification of the same or any part thereof, and the Commission reserves the right at any time to change this order upon due notice to the parties.

OPINION.

In the matter of The Complaint of MARION G. DINSMORE and Others, <i>vs.</i> UNITED RAILWAYS AND ELECTRIC COMPANY OF BALTIMORE.	}	Before the Public Service Commis- sion of Maryland. Case No. 26.
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AMBLER, Chairman.

In this proceeding petitioners to the number of several hundred, describing themselves as "patrons of the Baltimore, Dundalk, Sparrow's Point and Bay Shore Branch of The United Railways and Electric Company, and residents of Sparrow's Point and other points along the above named trolley road"

have asked that the fare from Sparrow's Point to Baltimore be reduced from fifteen cents to ten cents, with the usual transfer privilege within the City of Baltimore.

At the hearing several of the petitioners testified that in their opinion the present fare is excessive and discriminatory in comparison with the rates of fare on some of the defendant's other suburban lines, and also expressed the opinion that a lower fare on this line would cause such a development of the country east of the city that the increased traffic would soon more than compensate for the temporary reduction of revenue. Some of the witnesses further stated that, while they are without definite information on the subject, they believe that the present fare is excessive when measured by either the cost of the road or its fair value and after making due allowance for all expenses of maintenance and operation.

To supplement this evidence, counsel for the petitioners filed three sets of interrogatories, amounting in all to thirty-six in number, calling upon the defendant for specific information on the various questions that he deemed material to the main issue, including a statement of the separate earnings, and operating and maintenance expense of this branch of the defendant's system, its capitalization, bonded indebtedness, original cost, present value, etc. The defendant's answers to thirty-three of these interrogatories appear to have been accepted by the petitioner's counsel as sufficient. Among other matters set forth in the answers to which no exception was taken, the defendant states that it did not build either the Middle River or the Sparrow's Point branch of the system as it now exists; but that these were originally two separate and distinct lines operated by two companies independent of each other and of the defendant, which were first consolidated under the name of the Baltimore, Sparrow's Point and Chesapeake Railway Company and afterwards leased to the defendant, subject to a mortgage made by the Baltimore, Sparrow's Point and Chesapeake Railway Company to secure \$2,000,000 of its 4½% bonds and subject also to a rental of some \$2,850 payable on part of the line to the Maryland Steel Company, and that the lease contained the usual covenants for the payment of all taxes, interest and other charges on the demised property.

Other answers of the defendant apparently satisfactory to the petitioners show that while no separate account has been kept of the cost of operating and maintaining the Sparrow's Point line, the earnings of this line, even with the present rate of fare, are barely sufficient after providing for its special taxes, interest and rental, to meet its fair share of the general expenses for operation and maintenance of the system.

Exception was taken only to the defendant's answers to the three interrogatories numbered 33, 34 and 35, which, as stated by petitioner's counsel, were "intended to elicit the cost of construction and equipping said road, and also of the franchises and rights of way." It cannot be necessary to set forth all the details of the defendant's answers to these three interrogatories. The substance of them is that, as the road was built and in operation for some time before it came into the defendant's possession, the defendant has no record or knowledge of the original cost beyond the fact that this probably exceeded the amount of the mortgage. At the hearing of the exceptions, the petitioners' counsel insisted that the defendant should be required to obtain the desired information from the original owners or from the contractors who built the road, because these "elements are necessary and proper in determining what is a fair and just and reasonable rate or fare as between the railway company and the public." That might be true if any facts had been shown to warrant the suspicion that the road had been overburdened with fixed charges or that the present fare is otherwise excessive; but so far the only substantial reason suggested for a lower rate is the desire to reduce the cost of transportation to persons who have occasion to use this road; and however natural or reasonable this desire may be, it should not, in our judgment, outweigh all other considerations. In the absence of all evidence to suggest any improper motive, we cannot assume that the managers of The United Railways and Electric Company took a lease of the Sparrow's Point line at an exorbitant valuation; nor do we think that the charge of ten cents for the ride of about eight miles through the country from Sparrow's Point to the city's border, or fifteen cents for about eleven miles from Sparrow's Point to the corner of Howard and Franklin streets, with the

right of transfer to any connecting line within the city limits, can be considered so manifestly excessive or unreasonable as of itself to require correction. While Section 30 of the Public Service Commission Law authorizes this Commission, whenever it may deem it desirable to do so, to "investigate and ascertain the fair value of property of any corporation subject to the provisions of this Act and used by it for the convenience of the public," the same section also provides that "every such valuation shall be so made and ascertained by the Commission that as far as possible it shall not disturb the value of bonds of any of said corporations issued prior to the passage of this Act." The bonds of the Baltimore, Sparrow's Point and Chesapeake Railway Company were issued several years before the enactment of this law; and while it may be true that a lower fare would ultimately lead to an increase of earnings, there can be no doubt that the immediate effect of any material reduction of fare would be a corresponding reduction of revenue, which could not fail to "disturb the value" of the bonds.

We do not think that, as it has so far been presented, the situation calls for an investigation and ascertainment of value by the Commission or would justify an order requiring the defendant to make further answer to the petitioner's interrogatories. We must accordingly deny the application for such an order.

ORDER No. 180

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 91.
The Application of the CHESAPEAKE AND		
POTOMAC TELEPHONE COMPANY OF BAL-		
TIMORE CITY for Permission to Exercise Franchise Granted by the Mayor and Common Council of Mt. Rainier.		

The application of the Chesapeake and Potomac Telephone Company of Baltimore City together with the exhibits thereto annexed, filed with the Public Service Commission of Mary-

land on the 11th day of January, 1911, asking for the permission and approval of said Commission to the maintenance and operation by said company, its successors and assigns, of its present property located on, over, across, along and through the streets, avenues, and alleys, and to the construction, maintenance and operation of additional poles, cables, wires and all other necessary apparatus, on, over, across and along, and its conduits, ducts, mains, pipes, cables, wires, manholes, distributing poles, and all other necessary underground appliances, in, on, under and through the streets, avenues and alleys within the corporate limits of the town of Mount Rainier, in Prince George's county, State of Maryland, and to use the property of other companies, and to permit other companies to use its property, upon such arrangements as the two companies may agree, coming on to be heard; and it appearing from the papers filed with the applicant's application and petition as Exhibits 1, 2, 3 and 4, that the authority and consent of the Mayor and Common Council of the town of Mount Rainier is given to the same, and this Commission having determined from the evidence submitted at the hearing of the application that those things for which its permission and approval is asked are convenient for the public service.

It is thereupon, on this 26th day of January, nineteen hundred and eleven,

Ordered, By the Public Service Commission of Maryland that the approval and permission of said Commission is hereby given to The Chesapeake and Potomac Telephone Company of Baltimore City, its successors and assigns, to maintain and operate its present property located on, over, across, along and through the streets, avenues and alleys of the town of Mount Rainier, and to construct, maintain and operate additional poles, cables, wires and all other necessary overhead apparatus, in, over, across and along, and its conduits, ducts, mains, pipes, cables, wires, manholes, distributing poles and all other necessary underground appliances, in, on, under and through the streets, avenues, alleys within the corporate limits of the town of Mount Rainier, in Prince George's County and State of Maryland, and to use the property of other companies, and permit other companies to use its property upon such arrange-

ments as the two companies may agree, subject to the provisions contained in the Ordinance of the Mayor and Common Council of the town of Mount Rainier, passed November 29, 1910, a certified copy of which is filed with said application as "Applicant's Exhibit No. 1."

ORDER No. 184

In the matter of

The Petition of the WASHINGTON, BALTIMORE AND ANNAPOLIS ELECTRIC RAILWAY COMPANY for Permission to File and Publish on Less than Statutory Notice a Tariff Reducing the Minimum Requirement of Weight for Carloads of Cord Wood.

Before the Public Service Commission of Maryland.
Case No. 98.

The above mentioned petition sets forth that the said company in its tariff, P. S. C., Md., No. 4, duly filed with this Commission, published in connection with rate on cord wood, from various points on its Annapolis Division to Annapolis, Maryland, a minimum weight requirement of 10% less than marked capacity of car, and it is claimed and admitted by said company that said minimum weight requirement is excessive and unreasonable, and the said company asks permission to remove said unreasonable requirement, and to substitute therefor a minimum weight requirement of 50,000 lbs. for cord wood in carload lots; and upon due consideration thereof, it is

Ordered, This 27th day of January, 1911, by the Public Service Commission, that the Washington, Baltimore and Annapolis Electric Railway Company, be and it is hereby authorized to make the aforementioned change in minimum weight requirement, effective on one day's notice to the Commission and the public in the manner required by law, provided such change, in its application, does in each instance, effect a reduction in the minimum weight requirement.

The supplement which contains said change made under authority of this order shall bear notation on its title page, as follows:

"Issued by authority of the Public Service Commission of Maryland, Order No. 184, passed January 27th, 1911."

ORDER No. 187

In the matter of	} Before the Public Service Commis- sion of Maryland. Case No. 100.
BURNS & RUSSELL Co., Complainants,	
<i>vs.</i>	
PENNSYLVANIA RAILROAD Co., Defendants.	

FOR AUTHORITY TO REFUND \$36.09

Upon shipments made July 2nd and 6th, 1910, respectively, of two carloads of bricks, one on each of said respective days, said shipments weighing respectively 60,800 and 99,600 pounds aggregating 160,400 pounds; from Jackson's Wharf, Baltimore, Maryland, to Calvert Station, Baltimore, Maryland, within this State, the Pennsylvania Railroad Company exacted from complainants, Burns and Russell Co., for the transportation of said carloads of bricks, the sum of \$64.16, the same being at the rate of 80 cents per net ton on a weight of 160,400 pounds. Said rate of 80 cents per net ton was in effect under defendant's tariff I. C. C.—G.—2617 effective January 2nd, 1906. The defendant company now has in effect a rate between the points mentioned at 35 cents per net ton for bricks in carload lots (carload minimum as per official classification), under tariff supplement No. 2 to P. S. C., Md., No. 1, effective November 10, 1910.

Complainant claims and defendant admits that the rate of 80 cents per net ton was excessive and defendant further admits that the rate of 35 cents per net ton would be a just and reasonable charge applied to the shipments in question. It

appearing to the Commission that reparation to the extent of the difference between the amount collected upon said shipments, and the sum produced by a rate of 35 cents per net ton thereon should be allowed the complainants upon said shipments, it is

Ordered, This first day of February, 1911, that the complainants, Burns and Russell Co., are entitled to recover from the defendant, the Pennsylvania Railroad Company, the sum of \$36.09 as reparation for and on account of exaction by defendant of said unjust and unreasonable charge of \$64.16 for transportation of the shipments aforesaid.

ORDER No. 188

In the matter of	}	Before the Public Service Commission of Maryland. February 8, 1911.
Annual Reports to be made to the Commission by Maryland Corporations engaged in Interstate Business Exclusively.		

WHEREAS, In response to the inquiry of the Commission as to whether a "corporation operating under a Maryland charter and owning property in the State, and having one of its termini therein, but doing an exclusively interstate commerce business, could be required to file annual reports under the provisions of the Public Service Commission Law," the General Counsel of the Commission has given his opinion to the effect that such corporations are amenable to the law, and has advised the Commission to issue a further notice to each and every one of the corporations belonging to the class of corporations mentioned in the resolution of the Commission, requiring it to render the annual report called for by the Public Service Commission Law,

RESOLVED, And it is hereby **Ordered**, That every corporation operating under a Maryland charter, and owning property in this State and having one of its termini therein, and doing an

exclusively interstate commerce business, be, and is hereby required to file with this Commission, annual reports for the year ending June 30th, 1911, and annually thereafter, in accordance with the forms prescribed by this Commission.

FURTHER Ordered, That the Secretary of the Commission be, and he is hereby directed to forward a copy of this order to each of the corporations in the class mentioned in the caption hereof, and that each of said corporations be and is hereby required to notify the Commission forthwith, in writing, of the receipt of this order, and whether the terms of the same are accepted and will be obeyed.

ORDER No. 190

In the matter of

THE OLD FREDERICK ROAD IMPROVEMENT
ASSOCIATION

vs.

UNITED RAILWAYS AND ELECTRIC CO.

Before the Public
Service Commis-
sion of Maryland.
Case No. 54.

Ordered, This tenth day of February, 1911, that the schedule submitted by The United Railways and Electric Company for the running of Towson-Catonsville cars to and from the junction with its Ellicott City line be, and the same is hereby approved, but the right is reserved at any time hereafter to approve or require any change or modification or abrogation of the schedule that may after experiment be deemed desirable.

ORDER No. 191

In the matter of

The Petition of the PENNSYLVANIA RAILROAD COMPANY for Permission to Publish Certain Supplements to Tariffs on File with this Commission, Effective on Less than Statutory Notice.

Before the Public Service Commission of Maryland.
Case No. 101.

This is a petition on behalf of the Pennsylvania Railroad Company, for permission to file and publish, effective on less than statutory notice, the following supplements:

Supplement No. 4, to P. S. C., Md., 34
Supplement No. 1, to P. S. C., Md., 71
Supplement No. 1, to P. S. C., Md., 78
Supplement No. 1, to P. S. C., Md., 79
Supplement No. 1, to P. S. C., Md., 80

said supplements being for the purpose only of correcting typographical errors in the original issue of tariffs above mentioned; and likewise to file and publish, effective on less than statutory notice.

Supplement No. 1, to P. S. C., Md., No. 77, for the purpose of revising Rule 22, relative to the transportation of corpses.

Upon due consideration of the aforesaid petition, it is this 11th day of February, 1911,

Ordered, That the Pennsylvania Railroad Company be and it is hereby authorized to file and publish the above mentioned supplements, effective on one day's notice.

Provided, That the said supplements be filed with this Commission, and published by posting in conformity with law, immediately upon the issue of this order, and shall each bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 191, of February 11, 1911."

ORDER No. 198

In the matter of	}	
Report of Chief Engineer <i>in re</i> Accident		Before the Public
ON WASHINGTON, BALTIMORE AND ANNAPOLIS ELECTRIC RAILWAY at Shipley's		Service Commis-
Crossing, February 16, 1911.		sion of Maryland.
		Case No. 108.

This matter being under consideration, the following order was entered:

Ordered, That a copy of the report of the Chief Engineer in this matter be forwarded to each of the companies named therein and that the Washington, Baltimore and Annapolis Electric Railway Company and the Maryland Electric Railways Company be required and they are, and each of them, is hereby required to show cause to the Commission on or before February 27, 1911, why the rule recommended in said report should not be adopted.

ORDER No. 200

In the matter of	}	
The Application of the PENNSYLVANIA		
RAILROAD COMPANY and the PHILADEL-		Before the Public
PHIA, BALTIMORE AND WASHINGTON		Service Commis-
RAILROAD COMPANY for an Order Au-		sion of Maryland.
thorizing Them, or Either of Them, to		Case No. 106.
Purchase Certain Shares of the Pre-		
ferred Stock of the BALTIMORE, CHESA-		
PEAKE AND ATLANTIC RAILWAY Co.		

WHEREAS, The Pennsylvania Railroad Company and the Philadelphia, Baltimore and Washington Railroad Company, by their petition, filed in the above entitled case, have applied to the Public Service Commission for an order authorizing them,

or either of them, to purchase four thousand seven hundred and eighty-one (4,781) shares of the preferred capital stock of the Baltimore, Chesapeake and Atlantic Railway Company, of the par value of fifty dollars (\$50.00) each, or an aggregate par value of two hundred and thirty-nine thousand and fifty dollars (\$239,050.00), at the price of seventy dollars (\$70.00) per share, aggregating the sum of three hundred and thirty-four thousand, six hundred and seventy dollars (\$334,670.00); and

WHEREAS, This Commission is of opinion, after due consideration, that the purchase of said preferred stock by the petitioners is authorized by law and is for the best interests of all parties interested therein (said purchase being in compromise and settlement of litigation now pending in the Circuit Court of the United States for the District of Maryland), and that the public interest is not injuriously affected thereby;

It is, THEREFORE, This 27th day of February, in the year Nineteen Hundred and Eleven.

~~Ordered~~, That the Pennsylvania Railroad Company and the Philadelphia, Baltimore and Washington Railroad Company, or either or both of them, be, and are hereby authorized to purchase and hold four thousand, seven hundred and eighty-one (4,781) shares of the preferred capital stock of the Baltimore, Chesapeake and Atlantic Railway Company, now controlled by a committee composed of Dwight D. Mallory, Richard N. Jackson, Marshall Winchester, A. E. Godeffroy and Charles Sumner Cook, as in the petition in this case set forth, at and for the price of seventy dollars (\$70.00) per share, making an aggregate price or sum of three hundred and thirty-four thousand, six hundred and seventy dollars (\$334,670.00); and the said petitioners are hereby further authorized to purchase at the same price any other shares of the said preferred capital stock of the Baltimore, Chesapeake and Atlantic Railway Company which may be offered for sale.

ORDER No. 203

In the matter of

The Petition of the PENNSYLVANIA RAILROAD COMPANY for Permission to File and Publish on Less than Statutory Notice, Philadelphia, Baltimore and Washington Railroad Company Local Passenger Tariff of Unlimited Excursion Fares between Certain Points in the State of Maryland.

Before the Public
Service Commis-
sion of Maryland.

Case No. 110.

The above mentioned petition having been received, and upon due consideration thereof, it is this first day of March, 1911,

Ordered, That the Pennsylvania Railroad Company be, and it is hereby authorized to file and publish Philadelphia, Baltimore and Washington Railroad Company local passenger tariff of unlimited excursion fares from Charlestown, Md., Elkton, Md., Iron Hill, Md., North East, Md., and Principio, Md., to Havre de Grace, Md., effective on three day's notice.

PROVIDED, That the said tariff be filed with this Commission, and published by posting in conformity with law, immediately upon the issue of this order, and shall bear the following notation.

"Issued under special permission of the Public Service Commission of Maryland, Order No. 203, of March 1st, 1911."

ORDER No. 204

In the matter of

The Application of the AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF BALTIMORE CITY for Approval and Permission to Construct a Conduit System through the Town of Aberdeen and the City of Havre de Grace, in Harford County, Md., and through the Town of North East, in Cecil County, Md., as Parts of Its Conduit System between Baltimore City and the Delaware State Line.

Before the Public
Service Commis-
sion of Maryland.

Case No. 34.

The application of the American Telephone and Telegraph Company of Baltimore City, together with the Exhibits thereto annexed, filed with this Commission on the third day of December, in the year 1910, asking for the approval of this Commission of the construction by the applicant of its conduit system with the necessary cables, wires, manholes, fixtures and distributing poles, along, under and upon the highways, streets, and alleys of the town of Aberdeen, and the City of Havre de Grace, in Hartford County, Maryland, and in the town of North East, in Cecil County, Maryland, and it appearing from the papers contained in the applicant's Exhibits filed with the said application that the right and authority to so construct its conduit system in said towns and city has been duly granted to the applicant by the proper town and city authorities, in said towns and city; and this Commission having determined from said Exhibits and evidence submitted at the hearing of said application, that the construction of said conduit system in said towns and city by the American Telephone and Telegraph Company of Baltimore City is necessary in connection with its conduit system between Baltimore City and the Delaware State line, and is required for the convenience of the public service,

It is thereupon, on this second day of March, in the year nineteen hundred and eleven,

Ordered, By the Public Service Commission of Maryland, that the approval and permission of said Commission is hereby given to the American Telephone and Telegraph Company of Baltimore City, its successors and assigns, to construct, lay, operate and maintain a conduit system, with the necessary cables, wires, manholes, fixtures and distributing poles along, under and upon the streets, highways and alleys of the towns and City of Aberdeen and North East and Havre de Grace, respectively, upon the terms and conditions and in the manner and under the supervision of the persons and officers and in the locations, as set out in the respective Ordinances of said towns and said city, copies of which have been filed with the application in this matter.

ORDER No. 210

In the matter of

The Application of the CONSOLIDATED GAS
ELECTRIC LIGHT AND POWER COMPANY
OF BALTIMORE for Permission and Ap-
proval of the Issue by the Said Com-
pany of \$1,500,000 of Common Stock
for the Purposes in Said Application
Set Forth.

Before the Public
Service Commis-
sion of Maryland.

Case No. 111.

WHEREAS, The Consolidated Gas Electric Light and Power Company of Baltimore has applied to this Commission for an Order authorizing the issue of one million and Five hundred thousand dollars (\$1,500,000) of the Common Stock of said corporation, and being part of the increase of the Common Stock thereof as authorized by the stockholders at a meeting held on the first day of March, 1911; and to sell the same for cash at par; and

WHEREAS, The purposes for which the proceeds of the sale of said stock are (a) the redemption of the entire issue of its Prior Lien Preferred Stock, of the par value of \$700,000, at

\$105.00 in cash, in accordance with the provisions of Article IV of its Agreement and Certificate of Consolidation, and (b) the acquisition of additional property in the construction, completion, extension and improvement of its plant and distribution system, at an estimated cost of \$765,682.00, as appears by certificates filed with said petition; and

WHEREAS, In the opinion of this Commission the use of the capital to be secured by the issue of said common stock is reasonably required for said purposes of the applicant;

It is ~~Ordered~~, This tenth day of March, 1911, that the said Consolidated Gas Electric Light and Power Company of Baltimore be, and is hereby authorized to issue its Common Stock to the amount of one million and five hundred thousand dollars (\$1,500,000.00) for cash at par, and that of the proceeds of the the sale thereof, the sum of seven hundred and thirty-five thousand dollars (\$735,000.00) be applied to the redemption of the entire issue of its Prior Lien Preferred Stock, of the par value of one hundred dollars (\$100.00) per share, making an aggregate par value of seven hundred thousand dollars, at the price of one hundred and five dollars per share, making the entire expenditure on this account the sum of seven hundred and thirty-five thousand dollars; and the remainder of the proceeds of said sale, to-wit: the sum of seven hundred and sixty-five thousand dollars (\$765,000.00), to be applied to the acquisition of additional property in the construction, completion, extension and improvement of its plant and distribution system, as set forth in Exhibit No. 1 and Exhibit No. 2 filed with said application in this case.

And IT IS FURTHER ~~Ordered~~, That said corporation shall report to this Commission:

(a) Upon the sale for cash of the Common Stock authorized and approved as aforesaid, or any part thereof, the fact of such sale or sales, the terms and conditions thereof and the amount realized therefrom.

(b) At the termination of each and every period of six months from the date of this Order, the disposition and use made of the proceeds of said stock, and the facts and circumstances as to the property acquired and the construction, completion, extension and improvement of its facilities.

ORDER No. 213

In the matter of	} Before the Public Service Commis- sion of Maryland. Case No. 116.
LEVERING BROTHERS, Complainants,	
vs.	
THE BALTIMORE AND OHIO RAILROAD, Defendant.	

AUTHORITY TO REFUND \$43.20

Upon shipments made November 2nd and 26th, 1910, respectively, of two carloads of petroleum coke, one on each of said dates, said shipments weighing respectively 57,600 and 58,800 pounds, aggregating 116,400 pounds, from Canton, Maryland, to Mt. Clare, Maryland, the Baltimore and Ohio Railroad Company exacted from the complainants, Levering Brothers, for the transportation of said carloads of petroleum coke, the sum of \$58.20, the same being at the rate of 5 cents per hundred pounds on the total weight above mentioned. Said rate of 5 cents per hundred pounds was in effect under defendant's tariff P. S. C., Md., No. 100, duly filed with this Commission.

By Supplement No. 7 (effective February 27, 1911,) to defendant's tariff P. S. C., Md., No. 100, a rate of \$7.50 per car on petroleum coke from Canton Station, Maryland, to Mt. Clare Station, Maryland, was established by said defendant.

Complainant claims, and defendant admits, that the rate of 5 cents per hundred pounds on said commodity between said points, was excessive, and defendant further admits that the rate of \$7.50 per car would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between the amount collected on said shipments, and the sum produced by a rate of \$7.50 per car thereon, should be allowed the complainants upon said shipments, it is

Ordered, This 14th day of March, 1911, that the complainants, Levering Brothers, are entitled to recover from the defendant, The Baltimore and Ohio Railroad Company, the sum

of \$43.20, as reparation for and on account of exaction by defendant of said unjust and unreasonable charge of \$58.20 for transportation of the shipments aforesaid.

ORDER No. 214

In the matter of	} Before the Public Service Commis- sion of Maryland. Case No. 117.
D. B. MARTIN COMPANY, Complainants,	
vs.	
THE BALTIMORE AND OHIO RAILROAD Co., Defendant.	

AUTHORITY TO REFUND \$320.33

Upon shipments made between December 14th and 21st, 1910, inclusive, of thirty-eight carloads of phosphate rock, of an aggregate weight of 2,562,680 pounds, from Locust Point to Claremont, within the State of Maryland, the Baltimore and Ohio Railroad Company exacted from the complainants, D. B. Martin Company, for the transportation of said carloads of phosphate rock, the sum of \$640.67, the same being 50 cents per net ton on the aforesaid weight of 2,562,680 pounds. Said rate of 50 cents per net ton was in effect under defendant's tariff P. S. C., Md., No. 100, duly filed with this Commission, being the sixth class rate of 2½ cents per hundred pounds.

Under Supplement No. 4, to defendant's tariff P. S. C., Md., No. 100, effective December 22, 1910, a rate of 25 cents per net ton on phosphate rock between the points mentioned, was established.

Complainant claims, and defendant admits, that the rate of 50 cents per net ton was excessive, and defendant further admits that the rate of 25 cents per net ton would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between the amount collected upon said shipments, and the sum produced by the rate of 25 cents per net

ton thereon, should be allowed the complainants upon said shipments, it is

Ordered, This 14th day of March, 1911, that the complainants, D. B. Martin Company, are entitled to recover from the defendant, The Baltimore and Ohio Railroad Company, the sum of \$320.33 as reparation for and on account of exaction by defendant of said unjust and unreasonable charge of \$640.67 for the transportation of the shipments aforesaid.

ORDER No. 215

In the matter of

The Application of the TOWSON AND COCKEYSVILLE ELECTRIC RAILWAY COMPANY for Permission and Approval to Exercise a Franchise and Begin Construction, and also for an Order Authorizing the Issue of Its Capital Stock to the Amount of One Hundred Thousand Dollars (\$100,000).

Before the Public
Service Commission of Maryland.

Case No. 112.

WHEREAS, The Towson and Cockeysville Electric Railway Company, a corporation existing under the laws of the State of Maryland, has filed its application for permission and approval of the exercise of the franchise to operate a line of electric railway in Baltimore County, in said State, from the town of Towson to the town of Cockeysville, a distance of approximately six and a half (6.5) miles; and also for permission to begin the construction of said road; and also for an order authorizing the issue by said corporation of its capital stock to the amount of one hundred thousand dollars at par for that purpose; and

WHEREAS, After due hearing, the Commission has determined that the exercise of the franchise and such construction are convenient for the public service, and in the opinion of the Commission the capital to be secured by the issue of such stock is reasonably required for the said purposes of the corporation;

It is ~~Ordered~~, This 15th day of March, 1911, that the Public Service Commission of Maryland hereby permits and approves the exercise of the franchise granted by its charter to the said Towson and Cockeysville Electric Railway Company, and also the beginning of the construction of the street railroad from Towson to Cockeysville, in Baltimore County, Md., over the route and according to the plans exhibited to the Commission; provided, however, that no construction over, under or upon any street or highway shall be begun until the permission of the proper authorities so to do shall be filed with this Commission and approved by it, and the plans for crossing or occupying such street or highway shall be approved by this Commission; and provided, further, that no street railroad or steam railroad shall be crossed at grade.

It is FURTHER ~~Ordered~~, That said Towson and Cockeysville Electric Railway Company is hereby authorized to issue its capital stock to the amount of one hundred thousand dollars (\$100,000) at par for cash.

And the said corporation shall report to this Commission—

(a) Upon the sale for cash of its stock, authorized and approved as aforesaid, or any part thereof, the fact of such sale or sales, the terms and conditions thereof, and the amount realized therefrom.

(b) At the termination of each and every period of six months from the date of this Order, the disposition and use made of the proceeds of said stock and the facts and circumstances as to the property acquired and the construction, completion, extension and improvement of its facilities.

ORDER No. 216

In the matter of

The Petition of the Reorganization Committee of the WASHINGTON, BALTIMORE AND ANNAPOLIS ELECTRIC RAILWAY COMPANY and BALTIMORE TERMINAL COMPANY for the Approval of the Plan of Reorganization of the Properties Now Owned by the Washington, Baltimore and Annapolis Electric Railway Company and Baltimore Terminal Company.

Before the Public Service Commission of Maryland.

Case No. 115.

The petition of George T. Bishop, John L. Severance, Hinsdill Parsons, George A. Craig, John Sherwin and John J. Nelligan, reorganization committee of the Washington, Baltimore and Annapolis Electric Railway Company and Baltimore Terminal Company, having been read and considered, and it appearing to the Public Service Commission of Maryland that the permission and approval asked for is proper, and that the granting of the same would be convenient for the public service.

It is this 17th day of March, 1911, ~~Ordered~~, By the Public Service Commission as follows:

The plan of reorganization of the properties of the Washington, Baltimore and Annapolis Electric Railway Company and Baltimore Terminal Company set forth in the said petition is hereby approved and on proper application of the proposed new corporations within sixty days from the date hereof, permission and approval will be given to the exercise of franchises and the issue of stocks and bonds as prayed in said petition unless in the meantime some objection which does not now occur to the Commission, should be presented.

ORDER No. 219

In the matter of

H. B. MYERS COMPANY; ROBB, COMBS COMPANY; BASIL BROTHERS, Complainants, vs. THE WASHINGTON, BALTIMORE AND ANNAPOLIS RAILWAY COMPANY.	}	Before the Public Service Commission of Maryland. Case No. 120.
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For authority to refund as follows:

H. B. Myers Company.....	\$5.27
Robb Combs Company.....	.86
Basil Brothers.....	7.04

Upon shipments made as follows:

By H. B. Myers Company, November 3rd, 1910, of one car of cord wood from Millersville, Md., to Annapolis, Md.; on November 15th, 1910, and November 23rd, 1910, one car of cord wood, on each of said dates from Portland, Md., to Annapolis, Md.

By Robb Combs Company, on January 13th, 1911, one car of cord wood, from Millersville, Md., to Annapolis, Md.

By Basil Brothers, on December 30th, 1910, and January 12th, 1911, one car of cord wood on each of said dates, from Gambrill, Md., to Annapolis, Md., and on January 31st, 1911, one car of cord wood from Crownsville, Md., to Annapolis, Md., the Washington, Baltimore and Annapolis Railway Company exacted from the above-named complainants, and from each of them, respectively, for the transportation of said carloads of cord wood, the following sums: H. B. Myers Company, \$43.65; Robb Combs Company, \$11.61; Basil Brothers, \$41.04; the said sums being charges based on minimum carload weight requirements between the points named, as set forth in defendant's freight tariff P. S. C., Md., No. 4, duly filed with this Commission. On January 30th, 1911, the defendant filed with this Commission, and published its Supplement No. 1 to said

freight tariff P. S. C., Md., No. 4, establishing a new and lesser minimum carload weight for cord wood in carload lots, between the points named.

Complainants claim and defendant admits that the minimum weight requirement for carloads on which the aforementioned charges were based, was excessive, and the defendant further admits that the minimum weight of 50,000 lbs. for cord wood in carload lots, established by its Supplement No. 1 to its freight tariff P. S. C., Md., No. 4, would be a just and reasonable requirement on which to base the charges for the shipments in question.

It appearing to the Commission that reparation to the extent of the difference between the amounts collected upon said shipments, and the amounts produced by the application of the lesser requirement of minimum carload weight to the shipments in question, should be allowed the complainants upon said shipments, it is

Ordered, This 22nd day of March, 1911, that the complainants are entitled to recover from the defendant, the Washington, Baltimore and Annapolis Railway Company, the sums set opposite their respective names:

H. B. Myers Company.....	\$5.27.
Robb Combs Company.....	0.86
Basil Brothers.....	7.04

as reparation for and on account of exaction by defendant of said unjust and unreasonable charges for transportation of the shipments aforesaid.

ORDER No. 220

In the matter of

The Petition of Official Classification Committee for Authority to File and Publish Supplement No. 3 to Official Classification No. 37, Effective April 15th, 1911, on Ten Days' Notice to the Public and the Commission.	}	Before the Public Service Commission of Maryland. Case No. 121.
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Upon the above-mentioned petition, and on due consideration thereof, it is this 23rd day of March, 1911,

Ordered, That permission be and is hereby given to the Official Classification Committee, F. S. Holbrook, Chairman, to file and publish on ten days' notice to the public and the Commission, Supplement No. 3 to Official Classification No. 37, effective April 15th, 1911, provided said Supplement, when so filed and published, bear the following notation:

"Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission of Maryland, Order No. 220, of date March 23rd, 1911."

ORDER No. 228

In the matter of

The Complaint of DR. W. P. E. WYSE vs. CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.	}	Before the Public Service Commission of Maryland. Case No. 102.
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After due hearing held in the above entitled matter, it is this 29th day of March, nineteen hundred and eleven,

Ordered, That the complaint in the above entitled case be and the same is hereby dismissed.

ORDER No. 229

In the matter of
The Application of the PHILADELPHIA,
BALTIMORE AND WASHINGTON RAILROAD
COMPANY for Permission to Issue
\$4,500,000 of Its First-Mortgage Bonds
Secured by Mortgage, Dated February
1, 1904, for the Purpose of Taking Up
a Similar Amount of Bonds Heretofore
Issued By the Baltimore and Potomac
Railroad Company and Secured by
Mortgage Duly Recorded.

Before the Public
Service Commis-
sion of Maryland.
Case No. 122.

Ordered, This 30th day of March, 1911, by the Public Service Commission of Maryland, upon the petition of the Philadelphia, Baltimore and Washington Railroad Company in the above entitled matter, and the exhibits therewith filed, the same having been read, and, with the other proceedings herein, considered, and due notice by publication of this application having been given, as required by this Commission's order herein passed March 27, 1911:

1. That this Commission hereby authorizes the said Philadelphia, Baltimore and Washington Railroad Company to issue its coupon bonds to the amount of four million, five hundred thousand dollars (\$4,500,000.00), under its first mortgage, bearing date the 1st day of February, 1904, to the Morton Trust Company, of the State of New York, trustee, and duly heretofore recorded, said bonds to bear date the first day of April, 1911, and be payable to bearer on the first day of November, 1943, paying interest meanwhile at the rate of four per centum *per annum* in semi-annual instalments accounting from the first day of May, 1911, in accordance with coupons payable to bearer for such semi-annual interest to such bonds respectively attached.

2. That the proceeds of said bonds shall be used for the following purposes, viz: For the payment and discharge of the following recited unpaid and outstanding bonds of the Baltimore and Potomac Railroad Company, that is to say:

Bonds bearing date the first day of April, 1871, to aggregate amount of three million dollars (\$3,000,000), payable on the first day of April, in the year 1911, bearing interest at the rate of 6 per centum per annum, secured by mortgage bearing date the 3d of March, in the year 1871, to B. F. Newcomer and William T. Walters, trustees, of its railroad and property from the western boundary line of the City of Baltimore to the southern terminus of the railroad at the Potomac River, at or near Pope's Creek, and branches thereof, including what is known as the Washington Branch, with rolling stock and personal property appurtenant thereto, and together with the corporate rights and franchises connected with said railroad, and also its bonds bearing date the first day of July, in the year 1871, to the aggregate amount of \$1,500,000.00, payable on the first day of July, in the year 1911, bearing interest at the rate of 6 per centum per annum, secured by mortgage bearing date the 3d of March, in the year 1871, to B. F. Newcomer and William T. Walters, trustees, of its railroad between the western boundary line of the City of Baltimore and its junction with the Northern Central Railway in the City of Baltimore, together with its franchises and rights and franchises of said railroad company connected with said railroad within said limits, all of which bonds are still outstanding and unpaid, but maturing, respectively, at the dates aforesaid, the Commission being of opinion that the capital to be secured by the issue of the bonds hereby authorized is reasonably required for said purposes.

3. That the treasurer of said Philadelphia, Baltimore and Washington Railroad Company, or some other officer of the same, report under oath to this Commission the sale or other disposition of said bonds, the terms and conditions thereof, and the amount realized therefrom.

4. That the said Philadelphia, Baltimore and Washington Railroad Company shall make a report to this Commission at least once in every six months from the date of this order, showing in detail the use and application by it of the moneys so realized, until such moneys shall have been fully expended.

ORDER No. 233

In the matter of

The Petition of the WASHINGTON, BALTIMORE AND ANNAPOLIS ELECTRIC RAILROAD COMPANY, formerly Baltimore Terminal Company, for the Exercise of Certain Franchises, and for the Approval of an Assignment Made by the Anne Arundel Electric Railroad Company to It of the Property, Rights and Franchises Mentioned in Said Petition, to wit: The Railroad and Certain Property (Real and Personal), Powers, Rights, Immunities, Privileges and Franchises Formerly Belonging to the Washington, Baltimore and Annapolis Electric Railway Company, and to the Issue of \$3,000,000 Par Value of 5% Bonds and \$1,369,512.75 Par Value of 6% Non-Cumulative Preferred Stock and \$1,500,000 Common Stock to Said Anne Arundel Electric Railroad Company in Payment for Said Property, Rights and Franchises as Set Forth in Said Petition, and to the Capitalization of Said Washington, Baltimore and Annapolis Railroad Company, as Set Forth in Said Petition.

Before the Public
Service Commission
of Maryland.

Case No. 123.

The petition of the Washington, Baltimore and Annapolis Railroad Company and exhibits filed therewith having been read and considered, and it appearing to the Public Service Commission of Maryland that the permission and approval asked for in said petition are proper, and that the granting of the same would be convenient for the public service.

It is this 31st day of March, 1911, ~~Ordered~~, By the Public Service Commission as follows:

1. That the permission and approval of the Public Service Commission of Maryland be and they are hereby given to the

Washington, Baltimore and Annapolis Electric Railroad Company to exercise all the powers, rights, immunities, privileges and franchises under the railroad law and any other law, formerly exercised or legally exercisable by the said Washington, Baltimore and Annapolis Electric Railway Company and by the said Washington, Baltimore and Annapolis Electric Railroad Company under its amended charter, a copy of the certificate of the amendment to said charter being filed with said petition and marked Exhibit A.

2. That the permission and approval of the Public Service Commission of Maryland be and they are hereby given to the conveyance and assignment by the Anne Arundel Electric Railroad Company to the said Washington, Baltimore and Annapolis Electric Railroad Company of the railroad property, powers, rights, immunities, franchises and privileges described in a deed from the said Anne Arundel Electric Railroad Company to the said Washington, Baltimore and Annapolis Railroad Company, a copy of the agreement for the conveyance and assignment containing a form of said deed having been filed in these proceedings with the petition, marked Exhibit B and being hereby approved, being the same railroad, property, powers, rights, immunities, privileges and franchises conveyed by the Cleveland Trust Company to the said George Winship Taylor and being the same railroad, property (excepting 30,000 shares of the capital stock of the Baltimore Terminal Company) powers, rights, immunities, privileges and franchises sold under foreclosure proceedings in the case of the Cleveland Trust Company, trustee, complainant, v. the Washington, Baltimore and Annapolis Electric Railroad Company, defendant, in the Circuit Court of the United States for the District of Maryland.

3. That the permission and approval of the Public Service Commission of Maryland be, and they are hereby given to the capitalization of the Washington, Baltimore and Annapolis Electric Railroad Company as set forth in the foregoing petition, namely, \$7,500,000.00 par value First mortgage 5 per cent. thirty-year bonds of which \$5,000,000.00 par value are to be immediately issued; \$2,500,000.00 of six per cent. non-cumulative preferred stock of which \$1,460,000.00 is to be immediately issued and \$3,000,000.00 par value common stock, all of

which is to be immediately issued and to the issue and delivery of the stocks and bonds to the said Anne Arundel Electric Railroad Company in payment of said railroad, property, powers, rights, immunities, franchises and privileges upon the terms and conditions and in the amounts in said petition set forth, namely, \$3,000,000.00 par value of said First mortgage 5 per cent. thirty-year bonds, \$1,369,512.75 par value of its said 6 per cent. non-cumulative preferred stock and \$3,000,000.00 par value of common stock, and to the issue and delivery by the said Washington, Baltimore and Annapolis Electric Railroad Company of \$1,783,000.00 par value of its first mortgage 5 per cent. thirty-year bonds to the present Baltimore Terminal Company bondholders other than the said Washington, Baltimore and Annapolis Electric Railway Company and its receivers in exchange par for par for their Baltimore Terminal Company bonds, and of \$90,487.25 of its 6 per cent. non-cumulative preferred stock to the said present Baltimore Terminal Company bondholders in adjustment of unpaid interest to March 1, 1911, on said Baltimore Terminal Company bonds as set forth in said petition, and also to the issue and delivery of \$1,500,000.00 par value of its new common stock by the said Washington, Baltimore and Annapolis Electric Railroad Company to its present stockholders in exchange for their present holdings of stock in said company par for par. It is the opinion of the said Public Service Commission of Maryland that the use of the said railroad, property, powers, rights, immunities, privileges, franchises and capital to be secured by the issue and delivery of said stocks and bonds hereinbefore mentioned is reasonably required for the purposes of the said Washington, Baltimore and Annapolis Electric Railroad Company.

4. That the proper officers of the said Washington, Baltimore and Annapolis Electric Railroad Company shall, within six months from the date of this order, report under oath to this Commission the sale or other disposition of the stocks and bonds hereby authorized and the terms and conditions thereof and the amount realized therefrom and at least once in every six months from the date of this order shall make a report to this Commission showing in detail the use and application of the proceeds of the said stocks and bonds until the same shall have been fully expended.

ORDER No. 234

In the matter of

The Petition of the ANNE ARUNDEL ELECTRIC RAILROAD COMPANY for the Exercise of Certain Franchises, and for the Approval of an Assignment Made by George Winship Taylor to It of the Property, Rights and Franchises Mentioned in Said Petition, to wit: The Railroad and Certain Property, Real and Personal, Powers, Rights, Immunities, Privileges and Franchises Formerly Belonging to the Washington, Baltimore and Annapolis Electric Railway Company, and to the Issue of 115,660 Shares of the Full-Paid Non-Assessable Stock of Said Company, and \$4,000,000 Par Value of Its Bonds, in Payment for Said Property on Certain Terms and Conditions Mentioned in Said Petition, and for the Approval of the Capitalization of Said Anne Arundel Electric Railroad Company, Including Both Stock and Bond Issues, and for the Approval of the Assignment of Said Railroad Property, Powers, Rights, Immunities, Privileges and Franchises by Said Anne Arundel Electric Railroad Company to the Washington, Baltimore and Annapolis Electric Railroad Company, Under the Provisions of Section 278 of Article 23 of the Code of Public General Laws of Maryland.

Before the Public
Service Commission of Maryland.

Case No. 124.

The petition of the Anne Arundel Electric Railroad Company and the exhibit filed therewith having been read and considered, and it appearing to the Public Service Commission

that the permission and approval is proper, and that the granting of the same would be convenient for the public service,

It is this 31st day of March, 1911, ordered by the Public Service Commission as follows:

1. That the permission and approval of the Public Service Commission of Maryland be, and they are hereby given to the Anne Arundel Electric Railroad Company to exercise all the powers, rights, immunities, privileges and franchises under the railroad law and any other law formerly exercised and legally exercisable by the Washington, Baltimore and Annapolis Electric Railway Company.

2. That the assent and approval of the Public Service Commission of Maryland be, and they are hereby given to the conveyance and assignment from and by George Winship Taylor to the said Anne Arundel Electric Railroad Company of all the railroad property (real and personal), powers, rights, immunities, privileges and franchises described in a deed from the said George Winship Taylor to the said Anne Arundel Electric Railroad Company, a copy of said deed having been filed in these proceedings with the Commission, marked Exhibit A, and being hereby approved, being the same railroad property, powers, rights, immunities, privileges and franchises conveyed by the Cleveland Trust Company, trustee, to the said George Winship Taylor, and being the same railroad property, powers, rights, immunities, privileges and franchises (except as to 30,000 shares of the capital stock of the Baltimore Terminal Company) sold under foreclosure proceedings in the case of the Cleveland Trust Company, trustee, complainant, vs. the Washington, Baltimore and Annapolis Electric Railway Company, defendant, instituted and had in the Circuit Court of the United States for the District of Maryland.

3. That the permission and approval of the Public Service Commission of Maryland be, and the same are hereby given to the conveyance and assignment from the Anne Arundel Electric Railroad Company to the Washington, Baltimore and Annapolis Railroad Company of all the railroad property (real and personal), powers, rights, immunities, privileges and franchises, acquired or to be acquired by the said Anne Arundel

Electric Railroad Company from the said George Winship Taylor. The proposed agreement for said conveyance and assignment, containing form of deed, copy of which said agreement is filed with said petition and marked Exhibit B, is hereby approved.

4. That the permission and approval of the Public Service Commission of Maryland be, and they are hereby, given to the capitalization of the said Anne Arundel Electric Railroad Company as set forth in the foregoing petition, and consisting of 115,800 shares of capital stock, of the par value of \$50.00 per share, and \$4,000,000 of first-mortgage five-year bonds, bearing interest at 5 per cent., secured by a mortgage deed of trust on all its property, rights, and franchises now owned or hereafter to be acquired, and to the issue and delivery by said company to the said George Winship Taylor of 115,660 shares of said capital stock, and the entire issue of said bonds, aggregating \$4,000,000 in face value, in payment of the railroad property, powers, rights, immunities, privileges and franchises to be acquired by said company from the said Taylor; said company agreeing as a further consideration for the said conveyance and assignment to undertake, assume and perform all the obligations resting upon George A. Craig as purchaser of the said railroad property, powers, rights, immunities, privileges and franchises at the foreclosure proceedings mentioned in said petition, which obligations are set forth in the decree of foreclosure and sale dated February 10th, 1911.

5. That the permission and approval of the Public Service Commission of Maryland be and are hereby given to the issue by the said railroad company of five shares of its capital stock for cash at the rate of \$50.00 per share.

It is the opinion of the said Public Service Commission of Maryland that the use of the said railroad property, powers, rights, immunities, privileges, franchises and capital to be secured by the issue and delivery of said stocks and bonds hereinbefore mentioned, is reasonably required for the purposes of the said Anne Arundel Electric Railroad Company.

6. That the officers of the Anne Arundel Electric Railroad Company shall within three months from this date report under oath their proceedings hereunder and the disposition of the stock and bonds hereby authorized.

ORDER No. 235

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 130.
The Complaint of RICHARD F. GUNDRY		
<i>vs.</i> THE PATAPSCO ELECTRIC AND MANUFACTUR- ING COMPANY.		

WHEREAS, Complaint has been made by Richard F. Gundry of an Electric Meter-Fort Wayne, No. 328,721, installed upon his premises, "Harlem Lodge," Catonsville, Maryland, by the Patapsco Electric and Manufacturing Company, and said meter, upon inspection, has been found to register 28 per centum fast and to be of a type unsuitable and inefficient for the service to which the same is applied,

It is ~~Ordered~~, This 31st day of March, 1911, by the Public Service Commission of Maryland, that the said Patapsco Electric and Manufacturing Company is hereby required to install upon the aforesaid premises of Richard F. Gundry a meter of size suitable for the present installation of 150 sixteen candle-power lamps, said meter to be tested and sealed by an inspector of this Commission before being installed, or show cause within five days from the date hereof, why this order should not be complied with.

ORDER No. 240

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 132.
The Petition of the WESTERN MARYLAND		
RAILWAY COMPANY for Authority to Es- tablish and File on Less than Statutory		
Notice Rates on Lime from Frederick, Md., to Certain Points Within This State.		

The above-mentioned petition having been received and filed, and upon consideration thereof, it is, this 10th day of April, 1911,

Ordered, That permission and authority be, and is hereby given to the Western Maryland Railway Company to establish and file, effective on one day's notice to the public and the Commission, the following rates on lime from Frederick, Maryland, to the points named herein, viz:

To Woodensburg, Boring and Fowblesburg, 85 cents.

To Arcadia, Hampstead, Greenmount, Maple Grove, Millers, Alesia, Rockdale Junction and Lineboro, 90 cents per 2,000 pounds.

PROVIDED, That a tariff, or a supplement to an existing tariff, containing said rates, be issued by the petitioner within three days from the issuance of this order, and be published as required by law, by posting at each of the above-named stations, and that all copies of such tariff or supplement shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 240 of April 10, 1911."

ORDER No. 242

In the matter of	} Before the Public Service Commis- sion of Maryland. Case No. 125.
The Application of the BALTIMORE COUNTY	
WATER AND ELECTRIC COMPANY OF BAL-	
TIMORE COUNTY for Authority to Issue \$111,000 First-Mortgage 5% Gold Bonds.	

WHEREAS, To provide the means of finally paying for additional property and for permanent improvements, extensions and additions made to its plant and system, and of discharging loans and obligations incurred in connection therewith, the Baltimore County Water and Electric Company of Baltimore County desires, in accordance with the provisions of its first mortgage to the United States Mortgage and Trust Company, dated the first day of May, 1906, to issue one hundred and eleven of the bonds thereby intended to be secured, amounting

in the aggregate to one hundred and eleven thousand (\$111,000) dollars, bearing interest at the rate of 5 per cent. per annum, payable semi-annually, and maturing on the first day of May, 1946, and on the 29th day of March, 1911, filed with this Commission an application setting forth in detail the nature and character of such additional property and improvements and extensions and the cost thereof; and

WHEREAS, After due publication of the order setting the said application for hearing on this date, no objection has been made thereto, and upon investigation of the facts this Commission is of opinion that the use of the capital to be secured by the issue of such bonds is reasonably required for the said purposes of the corporation;

It is thereupon this tenth day of April, 1911, by the Public Service Commission of Maryland—

Ordered, (1) That the Baltimore County Water and Electric Company of Baltimore County be, and it is hereby, authorized to issue one hundred and eleven of its said first mortgage bonds, amounting in the aggregate to \$111,000, and to sell one hundred thereof, amounting to \$100,000, for cash, at not less than ninety (90) per cent. of the par value, and to apply the remaining eleven of the bonds hereby authorized, amounting to \$11,000, to the sinking fund, in accordance with Article 3 of the said mortgage.

(2) That the said company shall, on or before the 30th day of June, 1911, and at the expiration of each six months thereafter, report to this Commission the cancellation and surrender of the said bonds so applied to the sinking fund and the sale of any or all of the said one hundred bonds whose sale is so authorized, and shall also report the terms and conditions of such sale or sales and the disposition of the proceeds until the whole proceeds shall have been expended.

ORDER No. 246

In the matter of

The Filing with the PUBLIC SERVICE COMMISSION of Rate Schedules by Gas and Electric Companies, under the Provisions of the Public Service Commission Law.

Before the Public Service Commission of Maryland.

IT IS HEREBY ~~Ordered~~, That each and every corporation, joint stock company, firm or individual engaged in the manufacture and furnishing of gas for light, heat or power, or the furnishing of natural gas for light, heat or power, or the generation, furnishing or transmission of electricity for light, heat or power within the State of Maryland, shall make and file with this Commission, at its office in Baltimore City, Maryland, and print and keep open to public inspection, schedules showing the rates and charges for such service. Such schedules, if not heretofore filed, must be filed with the Commission not later than June 30, 1911.

The schedules shall, until further order of this Commission, be substantially in the following form:

They shall be entitled "Schedule made and filed by the (here insert name of the company filing the same), pursuant to the requirements of the Public Service Commission, showing the rates, charges and regulations applicable to gas or electric service (as the case may be) in the State of Maryland.

Next following shall be printed thereon any rules or regulations which may in anywise change, affect or determine any such rates or charges or the value of the service rendered, or any part thereof.

The schedules shall be plainly printed by any printing process in black ink on white paper not larger than 8½ by 11 inches, and so arranged as to exhibit clearly the information hereinabove required.

All schedules filed with the Commission shall bear consecutive serial numbers, commencing with No. 1 for each company, association, firm or individual, with the following prefix

thereto: P. S. C., Md. For example, first schedule shall be "P. S. C., Md., No. 1." Such prefix and number shall be printed or stamped on schedules already issued and printed on schedules hereafter issued.

Every schedule filed with the Commission shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, printed on paper 8½ by 11 inches in size, in the following form:

LETTER OF TRANSMITTAL.

Gas and Electric. (Name of Company)

Advice No..... Date.....

TO THE PUBLIC SERVICE COMMISSION OF MARYLAND, Baltimore, Maryland.

Accompanying schedule is sent you for filing in compliance with the requirements of the Public Service Commission, issued by.....and bearing P. S. C., Md., No.....

Supp. No. to P. S. C., Md., No.....
Effective 1911

.....
(Signature of Filing Agent.)

The original will be retained by the Commission and the duplicate will be stamped and returned to the filing company as its receipt for the schedule covered thereby when accompanied by an addressed, stamped envelope or postage sufficient to cover return mailing.

FURTHER ~~Ordered~~, Unless the Commission otherwise orders, no change shall be made in any rate or charge, or rule or regulation hereinbefore referred to, which shall have been filed as herein provided, except after thirty days' notice to the Commission, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the changed rate, charge or regulation will go into effect; and all proposed changes shall be shown by printing, filing and pub-

lishing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection.

The Commission, for good cause shown, may allow changes in rates, charges or regulations without requiring the thirty days' notice, by duly filing in such manner as it may direct, an order specifying the change so made and the time when it shall take effect; all such changes shall be immediately indicated upon its schedules by the Company concerned.

FURTHER Ordered, That this order shall take effect immediately and that a certified copy of this order be served upon each company affected thereby; and

It is **FURTHER Ordered**, That every such company within (5) days, notify the Public Service Commission whether the terms of this order are accepted and will be obeyed.

ORDER No. 249

In the matter of The Petition of F. S. HOLBROOK, Agent of the Carriers Named in the Official Clas- sification, for Authority to Put in Force Certain Eliminations from the Official Classification, Effective May 15th, 1911, on Ten Days' Notice to the Public and the Commission.	}	Before the Public Service Commis- sion of Maryland. Case No. 137.
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The above mentioned petition having been filed, and on consideration thereof, it is this 20th day of April, 1911.

Ordered, That permission and authority be, and the same is hereby, given to F. S. Holbrook, agent of the carriers named in the official classification, to publish and put in force the following eliminations from the official classification, effective May 15th, 1911, on ten days' notice to the public and the Commission:

Eliminate note in connection with Rule 5 B, reading—

NOTE.—Rule 5 B will apply only when the consignor or consignee is the actual owner of the property.

Eliminate Note 1, in connection with Rule 10, reading—

NOTE 1.—Rule 10 will apply only when the consignor or consignee is the actual owner of the property.

Eliminate Rule 15 E, reading—

RULE 15 E.—Shipments of property combined into packages by forwarding agents claiming to act as consignors, will only be accepted when the names of individual consignors and final consignees, as well as the character and contents of each package, are declared to the forwarding railroad agent, and such property will be way-billed as separate shipments and freight charged accordingly. (See Note.)

NOTE.—The term “forwarding agents” referred to in this rule shall be construed to mean agents of actual consignors of the property, or any party interested in the combination of L. C. L. shipments of articles from several consignors at point of origin.

PROVIDED, That a supplement to P. S. C. Md. O. C. No. 37, containing the aforesaid changes, be published in accordance with the law, and a copy thereof filed with the Commission before May 5th, 1911, and that said supplement when so filed and published bear the following notation:

“Issued on ten days’ notice to the public and Commission, under special permission of the Public Service Commission of Maryland, Order No. 247, of date April 20th, 1911.”

ORDER No. 252

In the matter of

The Application of the HAGERSTOWN AND
CLEARSPRING RAILWAY COMPANY for
Permission and Authority to Exercise
Certain Franchises and to Begin Con-
struction, and to Issue \$250,000 First-
Mortgage Thirty-Year 5% Bonds, and
to Sell, in Addition to Said Bonds, Such
an Amount of Its Stock as Will Pro-
duce a Sum Not to Exceed \$93,000.

Before the Public
Service Commis-
sion of Maryland.

Case No. 133.

This is an application of "The Hagerstown and Clear Spring Railway Company" for the approval and permission of the Public Service Commission to the exercise of the franchises to operate a street railroad in Washington County, Maryland, granted to it by a certificate of incorporation dated February 24, 1911, and recorded in Liber B. S., No. 3, folios 769 and 770, one of the charter records of the State Tax Commissioner's office, filed with said application as "Petitioner's Exhibit No. 1," and by an ordinance of the Mayor and City Council of Hagerstown filed as "Petitioner's Exhibit No. 2," approved January 28, 1911, and by the County Commissioners of Washington County by orders passed on the 6th day of December, 1910 (Petitioner's Exhibit No. 3), and the 9th day of December, 1910 ("Petitioner's Exhibit No. 4"), and by the State Roads Commission of Maryland ("Petitioner's Exhibit No. 5"), which is to be filed in these proceedings before the beginning of the construction of said railroad, and by an ordinance of the Burgess and Commissioners of Clear Spring, Maryland, dated December 13, 1910 ("Petitioner's Exhibit No. 6"), all of which franchises were granted unto a certain Loren N. Downs and Hugh L. Kirby, and by them assigned to the said The Hagerstown and Clear Spring Railroad Company by deed April 8, 1911, and filed as Petitioner's Exhibit No. 7.

The proposed road is to extend from the intersection of North Potomac Street and West Franklin Street in the City

of Hagerstown, Washington County, Maryland, over and along West Franklin Street, westerly, to the boundary line of Hagerstown, thence over private rights of way southwardly to a point on the public road formerly known as the Hagerstown and Conococheague Turnpike, and thence westerly along said road to the town of Clear Spring, in said Washington County.

The application also prays for an order authorizing said Hagerstown and Clear Spring Railway Company to issue its bonds to the amount of \$250,000.00 and stock to the amount of \$250,000.00, to provide the funds necessary to build and equip the road, including preliminary and promotion expenses and discount on the stock and bonds.

The Commission, after notice, and upon consideration of the application and exhibits and maps and specifications filed therewith, and after due hearing, has determined that such construction and the exercise of the franchises aforesaid are convenient for the public service, and the Commission being of opinion that the use of the capital to be secured by the issue of such stock and bonds is reasonably required for the said purposes of the said street railroad corporation;

IT IS THEREFORE, This 26th day of April, in the year 1911,
Ordered, By the Public Service Commission of Maryland:

1. That the exercise of the franchises mentioned and enumerated in its charter, and the ordinances of the Mayor and Council of Hagerstown and the Burgess and Commissioners of Clear Spring, and the orders of the County Commissioners of Washington County, hereinbefore referred to, and the construction, equipment and operation of the Hagerstown and Clear Spring Railway Company over and upon the route hereinbefore set forth be, and the same are hereby permitted and approved, said franchises to be exercised in compliance with the terms of the respective grants thereof, and such construction to be in accordance with plans and specifications approved by the respective bodies granting said franchises and by this Commission, particularly with reference to the crossings of the tracks of the Western Maryland Railway Company, and the tracks of the Cumberland Valley Railroad Company in Hagerstown, as to which this Commission reserves the right to approve or prescribe the appropriate and necessary

safety appliances before the construction of either of said crossings is begun.

2. That the issue and sale by the Hagerstown and Clear Spring Railway Company of its common capital stock in the amount of \$250,000.00, par value, and the issue and sale of \$250,000.00 of its first mortgage bonds, payable thirty years after date, with interest at the rate of 5 per centum per annum, for the purposes above referred to, are hereby authorized and approved; provided, however, that said stock shall not be sold for less than eighteen dollars (\$18.00) per share (the par value being \$50.00 per share), and that said bonds shall not be sold for less than eighty-five per cent. (85%) of their par value; and provided further, that a copy of the mortgage to secure said bonds shall be filed with and approved by this Commission before said bonds or any of them shall be issued or sold.

3. That said Hagerstown and Clear Spring Railway Company shall make reports, duly verified by affidavits, to this Commission as follows:

(a) Upon the sale for cash of its stock and bonds, authorized and approved as aforesaid, or any part thereof, the fact of such sale or sales, the terms and conditions thereof, and the amount realized therefrom.

(b) At the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said stock and bonds and the facts and circumstances as to the property acquired and the construction, completion, extension and improvement of its facilities.

ORDER No. 256

In the matter of

The Petition of the ADAMS EXPRESS COMPANY, in Accordance with the Provisions of Section 19 of the Public Service Commission Law, for Authority to Apply Line Rates for Express Service between Competitive Points, Without at the Same Time Reducing Rates in Like Manner at Intermediate Points.

Before the Public
Service Commission
of Maryland.

Case No. 142.

The above-mentioned petition having been received and filed, upon consideration thereof, it is, this twenty-seventh day of April, 1911,

Ordered, That permission and authority is hereby granted to the Adams Express Company, until further order of the Commission, when two or more routes of express are in operation between shipping point and point of destination within the State of Maryland, to adopt the lowest rate applicable by any one of such routes, without disturbing the intermediate rate.

The Commission does not hereby approve any rates that may be applied under this permission; all such rates being subject to complaint, investigation and correction if they conflict with any provision of the Public Service Commission Law.

ORDER No. 257

In the matter of

The Petition of the UNITED STATES EXPRESS COMPANY, in Accordance with the Provisions of Section 19 of the Public Service Commission Law, for Authority to Apply Line Rates for Express Service between Competitive Points, Without at the Same Time Reducing Rates in Like Manner at Intermediate Points.

Before the Public Service Commission of Maryland.

Case No. 143.

The above mentioned petition having been received and filed, upon consideration thereof, it is this twenty-seventh day of April, 1911,

Ordered, That permission and authority is hereby granted to the United States Express Company, until further order of the Commission, when two or more routes of express are in operation between shipping point and point of destination within the State of Maryland, to adopt the lowest rate applicable by any one of such routes, without disturbing the intermediate rate.

The Commission does not hereby approve any rates that may be applied under this permission, all such rates being subject to complaint, investigation, and correction if they conflict with any provision of the Public Service Commission law.

ORDER No. 258

In the matter of

Publishing and Filing with the PUBLIC SERVICE COMMISSION Express Company Tariffs, under Section 15 of the Public Service Commission Law.

Before the Public Service Commission of Maryland.

If tariffs containing commodity rates applicable from points of production provide for their application from intermediate

points not named; it would be necessary to post those tariffs at every intermediate point, although such shipment may never be made from a point not specifically named. If such tariffs do not provide for application from intermediate points, they would conflict with the provisions of the Public Service Commission Law whenever the merchandise rate, scale rate, or a combination from an intermediate point exceeds the commodity rate from a more distant point.

Tariffs should not contain volumes of unnecessary rates, and it is undesirable to require the posting of large numbers of tariffs at points from which no shipments are likely to move. Therefore, it is this 27th day of April, 1911,

Ordered, That express companies may, until further ordered, file tariffs containing commodity rates from known points of production without making such rates applicable from all intermediate points. Each such tariff shall bear on its title page the following notation:

“By authority of the Public Service Commission of Maryland, Order No. 258, contained in Circular No. 10-E, issued by the Commission, this tariff (these rates) is not (are not) made applicable from (or to) all intermediate points. Upon reasonable request therefor, rates which will not exceed those in effect from (or to) more distant points will, under authority granted by the Public Service Commission of Maryland, be established from (or to) any intermediate point hereunder upon one day's notice to the Commission and to the public.”

In observance of this order express companies may on one day's notice to the Commission and to the public extend the application of the rates shown in the tariff by establishing such rates from intermediate points which do not exceed the rates from the more distant point on same line or route, provided no advance is thereby made in any existing rate.

Ordinarily rates to intermediate points of destination not named in the tariff can properly and should be provided for by a clause in the tariff authorizing the application of its rates to intermediate points of destination, but in instances where

the intermediate application of rates is impracticable or when conflicting rates would result therefrom, commodity rates may in the first instance be established to such intermediate destinations not higher than to more distant points on same line or route on like notice as from points of origin, provided no advance is thereby made in any existing rate.

For the purpose of eliminating from tariffs higher charges for shorter hauls as same are referred to in the Public Service Commission Law, and when same have been in effect thirty days or more, express companies may make such changes effective on one day's lawful notice to the Commission and to the public, provided such changes are in each instance reductions in rates or charges.

A tariff or supplement containing rates issued upon short notice under authority of this order must bear on its title page or in connection with the item containing the rate the following notation:

Issued under authority of Order No. 258 of Public Service Commission of Maryland, Circular No. 10-E. The rate (or rates) hereby reduced, appears (or appear) in tariff, P. S. C., Md., No., item (or page), and the rate (or rates) from (or to) (name it), the more distant point, appears (or appear) in tariff, P. S. C., Md., No., item (or page)

OPINION.

(Filed April 28, 1911.)

In the matter of

The Application of the NORTHERN CENTRAL RAILWAY COMPANY for Permission and Approval of a Lease of All Its Property to the Pennsylvania Railroad Company for 999 Years, and for Authority to Issue 154,741 Shares of Its Capital Stock, Amounting to \$7,737,050, as a Dividend to Its Stockholders.

Before the Public Service Commission of Maryland.

Case No. 72.

AMBLER, Chairman.

The petition in this case has a twofold object. The Northern Central Railway Company first asks for an order authorizing it to issue additional stock to the amount of 40 per cent. of its outstanding stock, and then, with the concurrence of the Pennsylvania Railroad Company, also asks permission and approval of a lease, to that company of its railroad and all its other property for a term of 999 years. The present capital stock of the Northern Central Railway Company consists of 386,851 shares, of the par value of \$50 each, amounting to \$19,342,550, and the petition states that the company desires to issue 154,741 additional shares, amounting to \$7,737,050, as a stock dividend "for the purpose of discharging its obligation to its stockholders on account of net earnings heretofore applied in betterments or improvements or invested in the stock and bonds of other companies, which are now held as assets in its treasury."

The evidence offered in support of the petition leaves no room to doubt that the amount of net earnings so applied largely exceeds \$7,737,050. It also shows that, through ownership of a majority of the stock, the Pennsylvania Railroad Company has for a number of years controlled the Northern Central Railway, and while the close association of the two

companies has caused, or at least allowed, the latter to reach a condition of great prosperity, this has been attended by much dissatisfaction on the part of the minority stockholders. There has been constant complaint that earnings which should have been distributed among the stockholders have been applied to improvements from which the Pennsylvania Railroad Company mainly derived benefit or to the purchase of stocks of other companies which the Pennsylvania Railroad Company desired to control. In past years, stock dividends were from time to time issued to represent some part of the additions made from earnings to the capital assets; but the last dividend of that character was in 1907, and the minority stockholders continued to press their demand for more liberal treatment. They insisted that, in the interest of the Pennsylvania Railroad Company and under its direction, more than \$20,000,000 of net earnings had been "diverted" to capital account by the end of the year 1909, without anything to compensate other stockholders for the consequent loss of income, and they finally threatened legal proceedings if they could not otherwise obtain redress.

In January, 1910, a committee of directors was appointed to confer with a committee of the minority stockholders and endeavor to arrange some satisfactory settlement. The directors stated that they would recognize only one committee of the stockholders, but opposing factions of the minority named two committees, one known as the Moore Committee and the other as the Scott Committee. Each of the committees employed counsel, and both were advised by lawyers of high standing that the minority stockholders were entitled to relief, and could, if necessary, enforce their rights through the courts. It is not for us to determine which of these rival committees had the better title, nor need we stop to inquire whether the counsel of either correctly expounded the law. The advice was unquestionably given and accepted in good faith. The directors, having ascertained to their satisfaction that the Moore Committee held the greatest number of proxies, declared that committee authorized to represent the entire minority and refused to hold any communication with the Scott Committee. The Moore Committee was thus formally "recog-

nized" on March 23, 1910, and immediately began an examination of the company's books and accounts, and entered upon negotiations with the directors' committee. This stage of the proceeding was reached before April 5, 1910, when the Public Service Commission Law became effective on the Governor's approval.

At the first interchange of views between the Moore Committee and the directors' committee, it appears to have been assumed by both sides that there must be some dividend payable partly in cash and partly in stock. The questions debated were the amount of the dividend and how much should be cash and how much stock. There was also a difference of opinion as to the terms on which the Pennsylvania Railroad Company should be permitted to operate the Northern Central Railway. It could serve no useful purpose to go over all the details of a negotiation that extended through several months. It is enough to say that on July 10, 1910, after repeated conferences, the two committees finally reached an agreement that a 50 per cent. dividend should be declared, payable 10 per cent. in cash and 40 per cent. in stock, to be followed by a lease of all the property of the Northern Central Railway Company to the Pennsylvania Railroad Company for 999 years at a rental yielding, over and above operating expenses, taxes and fixed charges, an annual dividend of 8 per cent. on the total capital stock, including the 40 per cent. increase. This settlement of the controversy was approved by the Board of Directors and ratified by the stockholders at a meeting specially called for the purpose on November 2, 1910. At that meeting, of the 386,851 shares outstanding, 343,095 voted in favor both of the stock dividend and of the lease; 17,000 shares voted against the lease, and none voted against the stock dividend; but the vote of the 211,525 shares owned by the Pennsylvania Railroad Company in favor of the dividend was conditional upon the grant of the lease. Of the 175,326 shares not owned by the Pennsylvania Railroad Company, 131,700 voted in favor of the lease at the meeting and subsequently others sent their written approval and ratification, so that, outside of the stock (54 per cent.) held by the Pennsylvania Railroad Company, the number of shares in favor of both stock dividend and lease is now

149,000. In other words, the transaction is approved by 85 per cent. of the minority stockholders and by 93 per cent. of the total stock if the shares held by the proposed lessee are included.

Before this Commission, both branches of the application have been vigorously opposed by able counsel, who offered no evidence in contradiction of that submitted by the applicants, but cross-examined the applicants' witnesses and supplemented *their* oral arguments by elaborate and forceful briefs. They contend that since the enactment of the Public Service Commission Law a stock dividend is no longer permissible, and in support of this contention rely especially on several decisions of the Public Service Commission for the Second District of New York under the act from which ours was taken. They object to the lease that it is unfair to the minority stockholders, injurious to the interest of the public and contrary to public policy. In answer to these objections, besides the arguments and briefs of counsel for the Northern Central Railway Company and also of counsel for those stockholders who approve the application, we have a clear and disinterested opinion from our general counsel, to whom we referred the questions of law. We should doubtless be bound, in any event to accept and follow our counsel's advice on legal questions, but in this instance we perhaps do so the more cheerfully because we thoroughly concur in the conclusions that he has reached after diligent investigation and careful deliberation.

Apart from the provisions of the Public Service Commission Law, it was long ago settled in this State that a corporation has the right to apply net earnings to additions to its capital assets and issue a stock dividend to compensate its stockholders for the income so appropriated to corporate uses. (*State v. B. and O. R. R.*, 6 Gill, 363; *Thomas v. Gregg*, 78 Md., 545). As this affords a convenient means of providing needed improvements or extensions and at the same time gratifying the desire of stockholders for some income from their investment, it is usually deemed a sound business policy. If by the appropriation of any part of the net earnings to purposes beneficial to the corporation the stockholders' right to so much income is forever forfeited, it may be that the pressure upon

directors for immediate distribution of all available income will be intensified, and corporations may be compelled to obtain needed capital by means less convenient and more expensive. But it is not our province to inquire into the wisdom of any legislative enactment. The legislature determines all questions of public policy, and our duty is limited to administering the law according to our best understanding of its meaning. The application now before us comes under Section 27 of the Public Service Commission Law, which authorizes a common carrier or other corporation subject to its provisions to issue stocks, bonds, notes or other evidence of indebtedness payable more than twelve months after date, when necessary for (a) the acquisition of property, (b) the construction, completion, maintenance, improvement or extension of its facilities, (c) the improvement or maintenance of its service, or (d) the discharge or lawful refunding of its obligations; "provided, and not otherwise, that there shall have been secured from the Commission an order authorizing such issue and the amount thereof, and stating that in the opinion of the Commission the use of the capital to be secured by the issue of such stocks or bonds or other evidence of indebtedness is reasonably required for the said purposes." Among other things, this section further provides: "Nor shall any contract for consolidation or lease be capitalized in the stock of any corporation whatever."

The Public Service Commission for the Second District of New York has more than once held that a stock dividend does not come within the purposes so enumerated; but without undertaking to question either the cogency of the reasoning of that Commission or the soundness of its conclusions, we entertain no doubt that the peculiar facts of this case warrant our dealing with it as one of first impression. We need not go the length of holding that in Maryland a public service corporation still has the right, enjoyed by all other corporations, of declaring a stock dividend to represent additions made to its capital from income that might have been distributed among its stockholders or that the existence of such a right carries with it a corresponding obligation in the sense in which that word is used in Section 27 of our Act. We are convinced that in the connection in which it occurs in the Act, "obligation"

was surely not intended to have a strict or technical meaning, and while we should hesitate to lay down a rule that could establish a precedent for other cases, we unhesitatingly agree with our counsel that the declaration of the dividend under the circumstances above narrated was for the discharge of an obligation within the meaning of the law. If the dissatisfied stockholders in this case had complained to a court of equity that the Pennsylvania Railroad Company had fraudulently or oppressively abused its control of the Northern Central Railway Company, and, for the advancement of its own interests or policy, had "diverted" to capital account net earnings that ought to have been distributed among the stockholders, they might have encountered difficulty in establishing their right to the desired relief; but if they had succeeded in obtaining a decree directing the payment of the dividend to which they claimed to be entitled, it could hardly be doubted that this would have constituted such an obligation as Section 27 contemplates. As a court of equity has no power to create an obligation, but by its decree merely ascertains and enforces a right already existing, there would seem to be no reason why the same effect should not be given to an obligation recognized and admitted by the directors as the result of a negotiation conducted out of court. While the claim here may have been of doubtful validity in the first instance, it was made by the stockholders in good faith, and the bona fide compromise of such a claim is in itself sufficient to constitute a valid and binding obligation.

Counsel for the remonstrant further urged that the stock dividend was an attempt to capitalize the contract for a lease, but we cannot attach any weight to this suggestion. It is true that the dividend was conditioned upon the lease, and it is also true that the rent under the lease was fixed at 8 per cent. on the total stock, including the proposed increase; but this does not signify that the lease was treated as an addition to the capital of the Northern Central Railway Company or constituted any part of the basis for additional stock. It is perfectly clear that the improvements and investments were the sole basis of capitalization, and the lease was a concession

to the lessee, who demanded it as the price of its consent to the capitalization desired by the minority stockholders.

If the entire control and management of the Northern Central Railway rested with this Commission, it might seem to us better to sell some of the investments and distribute the proceeds of sale in cash as suggested by the remonstrant, instead of declaring a stock dividend; but the law has not clothed us with absolute authority in all matters. Some things are still left to the discretion of those who have invested their money in public utilities, and we are bound to recognize the fact that men trained in the business are likely to have some knowledge of what is required for successful operation of a railroad. At all events, the act creating this Commission expressly provides (Section 26). "Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired"; and we clearly have no power to order the sale of any of the stocks, which were purchased before April 5, 1910.

It remains for us to add a few words in reference to the proposed lease. We are satisfied that our counsel is right in advising us that both the lessor and the lessee have the requisite capacity to enter into the lease. We are also satisfied that the question of public policy raised by counsel for the remonstrant has been settled by the Legislature. The various statutes conferring upon railroad corporations broad powers in the matter of acquiring, holding, mortgaging, leasing or otherwise disposing of railroads and other property are a plain declaration of public policy so far as the State of Maryland is concerned. A careful examination of this lease fails to disclose to us any provisions prejudicial to the interests of the public. Indeed, so far as we can see, under the lease the Pennsylvania Railroad Company practically continues the same management that it has exercised by virtue of its ownership of a majority of the stock, though not so subject to the criticism of other stockholders. There is nothing to suggest any increase of rates or other change in its relations to the public, and certainly this Commission will have the same power of supervision of so much of the railroad as lies within this State.

It may be that the lease is somewhat vague or obscure on some points which, in the interest of the minority stockholders, might have been expressed more clearly; but 85 per cent. of the minority are in favor of the lease and ask us to approve it as it stands; and while we should, of course, wish to see entire satisfaction afforded to every interest, we are constrained to believe that, with the aid of sagacious counsel, so large a proportion of the persons directly concerned can determine quite as well as we could hope to do what is best for their interests in the management of their property. As a general rule, in a corporation, as in the State, the majority must govern, and we could hardly be expected to set aside the will of 85 per cent. of the stockholders in order to gratify the wishes of less than 15 per cent., even if it be assumed that all who have not expressly assented are opposed to the lease. Moreover, it seems to us that the courts, rather than this Commission, were designed to pass on questions affecting the rights and relations of stockholders *inter sese*, and the exhibits filed in this proceeding show that litigation already pending will afford ample opportunity for thoroughly threshing out all these questions.

To some extent, we feel relieved of responsibility as to the form of the lease by the fact that it has so lately been before the Court of Appeals and escaped any criticism from that quarter; and so far as concerns the relatively small number of stockholders who have not actually approved the lease, we are entirely relieved of responsibility by the careful provision made by the Legislature for the protection of their rights. Chapter 126 of the Acts of 1908, under which this lease is to be made, provides for the appointment of commissioners who shall estimate and appraise the damage, if any, which such stockholders may suffer and also estimate and appraise the shares at their market value without regard to depreciation resultant from the lease, and requires the lessee either to pay the damages so appraised and permit the stockholders to retain title and possession of their shares or else to pay the full value of the shares as ascertained by the appraisement.

We will, therefore, sign an order authorizing the stock issue and approving the lease as prayed.

ORDER No. 262

In the matter of

The Proposed Lease by the NORTHERN CENTRAL RAILWAY COMPANY of Its Railway, Property and Franchises to the Pennsylvania Railroad Company, and the Issue by the Northern Central Railway Company of Additional Capital Stock.

Before the Public
Service Commis-
sion of Maryland,

Case No. 72.

The petition of the Northern Central Railway Company, filed herein on the 5th day of December, 1910, asking that this Commission approve the proposed lease of its railway, property and franchises, to the Pennsylvania Railroad Company, on the terms and conditions shown in a certain indenture of lease whereof a copy was filed with said petition marked "Petitioner's Exhibit K"; and also asking this Commission to pass an order authorizing said railway company to issue additional capital stock, that is to say, one hundred and fifty-four thousand, seven hundred and forty-one (154,741) shares, of the par value of fifty (\$50) dollars per share, to be used primarily for the purpose of discharging said Company's obligation to its stockholders on account of net earnings of said company theretofore applied in betterments and improvements or invested in the stocks and bonds of other companies and now held as assets in the treasury of said railway company; and the petition of the Pennsylvania Railroad Company filed herein on the 27th day of January, 1911, asking that said lease be approved by this Commission; a petition meanwhile having been filed herein by Arnold Elsey Waters on the 19th day of January, 1911, praying the Commission to refuse the prayers of the petition of said railway company; and the matters aforesaid of said petitions having been duly set for hearing, and heard, by this Commission; and at such hearing testimony having been duly produced by said railway company in support of its petition, and also to show that the proposed issue of stock is in pursuance of an agreement reached after

long negotiations between a committee of the directors and a committee of the stockholders of the said Northern Central Railway Company in bona fide settlement of an actual controversy between the stockholders and directors that had begun before the enactment of the Public Service Commission Law, and counsel having been fully heard for said two companies and for stockholders of said Northern Central Railway Company in favor of said petition and for said Arnold Elsey Waters in opposition thereto;

It is now, on this 2d day of May, 1911, by the Public Service Commission of Maryland,

Ordered, 1. That the proposed lease by the Northern Central Railway Company of its railway, property and franchises to the Pennsylvania Railroad Company, on the conditions, and in the form shown in these proceedings (being Petitioner's Exhibit K, filed with the petition of the said railway company), be, and the same hereby is, approved by this Commission.

2. That the said Northern Central Railway Company be, and hereby is, authorized to issue additional capital stock as follows: That is to say, one hundred and fifty-four thousand, seven hundred and forty-one (154,741) shares, of the par value of fifty (\$50) dollars per share, to be used for the purpose of discharging said company's obligation to its stockholders ascertained and established as aforesaid on account of net earnings of said company heretofore applied in betterments or improvements or invested in the stocks and bonds of other companies and now held as assets in the treasury of said railway company, the Commission being of the opinion that the use of the capital to be secured by the issue of such stock is reasonably required for said purposes of said railroad corporation.

3. And it is FURTHER **Ordered**, That at least once in six (6) weeks, the treasurer, or some other officer of said the Northern Central Railway Company, shall report under oath to this Commission, the disposition of the stock hereby authorized.

4. And it is FURTHER **Ordered**, That the Baltimore and Ohio Railroad Company be, and it is hereby, authorized and empowered to transfer upon its books to the Pennsylvania Railroad Company, lessee, the ten thousand (10,000) shares of its preferred stock, and ten thousand, four hundred and eighty-seven

(10,487) shares of its common stock, now standing in the name of the Northern Central Railway Company.

5. And it is FURTHER ~~Ordered~~, That the Union Railroad Company of Baltimore be, and it is hereby, authorized to transfer to the Pennsylvania Railroad Company, lessee, the twelve thousand, two hundred and fifty (12,250) shares of its stock now standing in the name of the Northern Central Railway Company.

OPINION

(Filed May 3rd, 1911.)

<p>OLD FREDERICK ROAD IMPROVEMENT ASSO- CIATION and Others vs. THE UNITED RAILWAYS AND ELECTRIC COM- PANY OF BALTIMORE.</p>	}	<p>Before the Public Service Commis- sion of Maryland. Case No. 96.</p>
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LAIRD, Commissioner.

The petition in this case was filed on the 23rd day of January, 1911, by the Old Frederick Road Improvement Association of Baltimore County, residents of Govanstown and the York Road, Park Heights, Pimlico and Arlington Improvement Association of Baltimore County, Catonsville Civic League and Citizens' Committee of Catonsville, the Board of Trade of Ellicott City, the residents of Glyndon, Emory Grove, Reisters-town and Owings Mill, north of Red Men's Hall at Pikesville, together constituting a federated association of the suburbs of Baltimore City, against The United Railways and Electric Company of Baltimore.

In compliance with the provisions of Section 15 of the Public Service Commission Law, The United Railways and Electric Company of Baltimore on the 16th of September, 1910, filed with the Public Service Commission a schedule of the rates of fare upon its city and suburban lines, which is set forth further on in this opinion.

Prior to the filing of this schedule of rates a complaint had been filed by Edward M. Gillette and others, residents of Ellicott City, for a reduction of the fare between Baltimore and Ellicott City. In the course of the hearing in that case it developed that the railway company issued tickets at reduced rates to residents of Catonsville, between that point and Baltimore City over what is known as the Towson and Catonsville line, and a similar reduction was asked by the petitioners in the Gillette case. The opinion of the Commission was filed October 14, 1910, in the course of which, touching the residents' tickets, the following language was used:

"It is altogether beyond our power to order one rate of fare for residents, when for precisely the same service, at the same time and under the same conditions, a higher rate is applied to the general public. That would be a gross form of unjust discrimination which the law creating this Commission expressly forbids. If it be true that it is the custom of the defendant to issue such residents' tickets on other suburban lines, it may not be proper for us to order a discontinuance of the custom without giving the parties interested an opportunity to be heard in its defense, but it is clearly our duty to bring the question to a prompt determination, and we will request our counsel to take whatever steps may be necessary to that end."

Subsequently, on October 25th, 1910, the Commission by resolution referred the matter to the General Counsel with the request that he take such proceedings as he might deem proper to correct the discrimination and to require The United Railways and Electric Company to furnish transportation between Catonsville and Irvington to all persons at the rate charged to residents of Catonsville, and in like manner, on all its other lines, to all patrons of the railroad on the same footing with the residents of any favored locality. Before any action was taken under this resolution, the railway company withdrew the sale of residents' or householders' books. This was on the 14th

of November, 1910, after the law officers of the company had consulted with the Commission and a copy of the company's letter to the ticket-holders had been filed with the Commission; but the withdrawal of the books was not specifically stated to be a modification of the schedule of rates theretofore filed. The Commission made no order in the premises, but it is only fair to the company and the Commission to say that they had arrived at the common conclusion that the tickets, as described in the schedule, were discriminatory and therefore unlawful.

The action of the company met with opposition from those who had enjoyed the special rates, and a number of complaints were filed, in addition to the one now under consideration.

The petition in this case sets forth the foregoing facts at great length, and makes the contention that the rates having been filed with the Commission in compliance with the requirements of the statute, they could not be withdrawn or changed except upon thirty days' notice, and that they should now be restored and the company compelled to proceed by regular statutory notice to withdraw them, subject to the right of those affected thereby to protest against such withdrawal, or to have a similar, but lawful, commutation rate substituted for those withdrawn.

In support of this contention, it is alleged that these rates were established years ago, in most cases by the constituent companies which were afterwards consolidated into The United Railways and Electric Company of Baltimore, in some instances to induce people to settle in the suburbs of the city, and that numerous tracts of land had been subdivided and developed, and many persons had purchased lots and built homes along these suburban lines upon the assumption of the continuance of the reduced fares. There was uncontradicted evidence to the effect that the withdrawal of the tickets has had a depressing effect upon the development of a number of localities, with the prospect of material loss to those who have invested their means upon the faith of the cheap fares.

Other allegations of the petition are that the rates of fare charged by the company for transportation of passengers outside the city limits are not fixed by law, and that in determining the rates of fare and the fare zones beyond the city limits

the company has acted entirely at its own discretion; that the rates now charged on the lines which serve the localities in which complainants reside are excessive in comparison with the rates charged by the company on its other suburban lines, whereby the company gives undue and unreasonable preference or advantage to persons using its suburban lines other than those used by complainants, and demands and receives from complainants and other persons living in the same localities as they do, a greater compensation than it charges persons using other suburban lines for like and contemporaneous service under substantially similar conditions and circumstances; that the returns of the company from the suburban lines which serve the localities in which the complainants reside are more than sufficient to pay the expenses of operation, maintenance, repair, renewal and a fair return on the capital invested in said lines; that the capitalization of the consolidated company is grossly exaggerated and its stocks and bonds greatly in excess of the true value of the property, and it would be unfair in arriving at a fair and reasonable rate to be charged by the company to accept the capitalization of the company as a true statement of the amount of capital invested therein.

The prayer of the petition is for:

1. The passage of an order declaring the action of said company in withdrawing said commutation rates to be unlawful, and subjecting said company to the penalties provided for by Section 28 of the Public Service Commission Law; requiring said company to comply with the provisions of the order passed by the Commission as aforesaid on October 26, 1910, and declaring the tariff schedules filed on the 16th of September, 1910, to be the only lawful rates of said company.

2. The passage of an order, if the Commission be of the opinion that said commutation rates are discriminatory within the meaning of the Public Service Commission Law, requiring said company to furnish transportation for all persons at said commutation rates as set forth in said tariff schedule without unjust discrimination.

3. That the Public Service Commission investigate the conditions of passenger traffic on the suburban lines beyond the city limits of Baltimore City, and fix such rates of fare to be

charged by the company upon such suburban lines, and particularly the lines which serve the communities in which complainants reside, as will be fair and reasonable.

The answer of the company admits the statements as to rates of fare but denies the conclusions drawn therefrom; avers that since the Public Service Commission Law, as construed by the Commission, made the further issuance of the Residents' Books unlawful, respondent was not required to give notice of its intention to stop the continuance of an unlawful act, and independently of law, the continued issue of reduced rates was a matter in the discretion of respondent, and such books do not constitute rates which are required to be published and which can be changed only upon notice; denies that rates now charged are discriminatory or unreasonable and insists that they are reasonable if not too low; and avers that the company realizing that residents had become accustomed to the concession in the form of Residents' Books, and that in some instances it might work a hardship upon those who had acquired property in expectation of the continuance of the sale of such tickets, sold the same until it was pointed out that they were discriminatory; and that on a large proportion of the sections referred to by the complainants, the charges are not remunerative.

This is a very important case, in view of the large number of people affected and the nature of the legal questions involved in its determination. We have given to it the most careful and painstaking consideration and have invoked the assistance of the legal department of the Commission in reaching our conclusions. The nature of the complaint and the scope of the inquiry issuing from it, compel the discussion of a number of questions in order to make the grounds of the decision intelligible. Upon the legal questions involved we cannot do better than to incorporate the exhaustive report drafted by the Assistant and approved by the General Counsel of the Commission, even at the expense of a repetition of some portions of what is said above, especially as an entirely independent examination of those questions had led the Commissioners to the same conclusions:

As requested by you, I have carefully considered the legality of the withdrawal of the so-called Residents' Books formerly in use by The United Railways and Electric Company, and also the legality of these books themselves in view of the provisions of the Public Service Commission Law. I have had the benefit of the brief and argument of Mr. Linwood L. Clark in the Upton case, of the argument of Messrs. Soper and Girdwood in the Old Frederick Road case, and of Mr. Thom on behalf of the railway company in both cases, and have also made an independent examination into the legal phases of the questions presented.

By Section 15 of the Public Service Commission Law it is provided that every common carrier "shall file with the Commission having jurisdiction, and shall print and keep open to public inspection," tariff schedules * * * "The schedules printed as aforesaid shall plainly state the places between which property and passengers will be carried, and shall also contain the classification of passengers, freight or property in force, and shall also state separately all terminal charges, storage, icing charges, and all other charges which the Commission may require to be stated, all privileges or facilities granted or allowed, and any rules or regulations which may in anywise change, affect or determine any part of the aggregate of such aforesaid rates, fares and charges, or the value of the service rendered to the passenger, shipper or consignee. Such schedule shall be plainly printed. Copies thereof for the use of the public shall be kept posted in public and conspicuous places in depots, stations and offices of every common carrier where passengers or property are received for transportation, in such manner as to be readily accessible to and conveniently inspected by the public wherever and whenever so ordered by the Commission." The form of such schedules shall conform as nearly as possible to the form of schedules required by the Interstate Commerce Commission.

"Unless the Commission otherwise orders, no change shall be made in any rate, fare or charge, or joint rate, fare or charge, which shall have been filed and published by a common carrier in compliance with

the requirements of this Act, except after thirty days' notice to the Commission and publication for thirty days;" and all proposed changes shall be shown "by printing, filing and publishing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. The Commission, for good cause shown, may allow changes in rates without requiring the thirty days' notice and publication herein provided for, by duly filing and publishing in such manner as it may direct, an order specifying the change so made and the time when it shall take effect. All such changes shall be immediately indicated upon its schedules by the common carrier."

Pursuant to these provisions, The United Railways and Electric Company, on September 16, 1910, filed with the Commission its "Schedule of Rates." This schedule stated the rate to be five cents for each passenger over twelve years of age, and three cents for each child between the ages of four and twelve years, between points within the City of Baltimore, together with the required transfer privileges, and then proceeded to enumerate in detail all cases to which this general rate did not apply. These exceptions are of the following classes:

1. The rates charged upon the several suburban lines, with the fare zones on each of such lines, and in a few cases certain three-cent transfer privileges.

2. "*Special Landowner Rates.*"—These apply (a) to the employees of the Maryland Steel Company, who are entitled to a seven and one-half cent fare between Sparrows' Point and Highlandtown; (b) the employees of the Central Foundry Company, who are entitled to a four and one-sixth cent fare between Dundalk and Highlandtown and to a four and one-sixth cent fare between Highlandtown and city points; and (c) to residents on the Lakeside line, from Tuxedo to Lake avenue, who are entitled to purchase coupon tickets making the rate to and from city points five cents. While the schedule does not so state, all of these "Special Landowner Rates" are said by the company to constitute part or all of the consideration for

grants of rights of way by the landowners to the company. The legality of these rates is not considered in this opinion.

3. "*Commutation Rates*."—Under this head, the residents of Emory Grove, Owings Mills, West Arlington, Pikesville, Catonsville and Walker's Entrance are entitled to purchase coupon tickets or books, and the residents in the vicinity of the car house on the Gywnn Oak line, and in Pohatan are entitled to purchase what are called householder tickets or books, all of which tickets or books are only sold to residents of or in the vicinity of the particular localities named, and which in every case enable such residents to travel to or towards the city limits and return for a less fare than is charged on the same line to all who are not residents, and who for this reason are not entitled to obtain or to travel upon the books at all. While these tickets or books are classed under the head of "*Commutation Rates*," they are popularly and correctly known as Residents' Books. It is the legality of these Residents' Books which is to be considered.

4. "*Excursion Rates*."—These apply on certain lines during certain seasons of the year, and are open to all. They are not involved in this opinion.

5. Rates for the funeral car "*Dolores*," and for special cars. These rates are not involved in this opinion.

In addition to filing its schedule of rates with the Commission, the railway company also posted printed schedules as required by the law, at the different stations, terminals and car barns which the company maintains. These printed schedules conform in every respect to the schedule filed with the Commission, except that they contain no reference at all to the Special Landowner Rates, the Commutation Rates, the Excursion Rates, or the rates for the funeral car "*Dolores*" or for special cars.

In considering the legality of the withdrawal of the Residents' Books, and then of the locality of these books themselves, the first question which arises is, what is the legal result of the inclusion of these respondents' rates in the schedule filed with the Commission, and is the result affected in any way by the omission of any reference to these rates in the printed schedules?

The provisions of Sec. 6 of the Interstate Commerce Act, as now amended (See Barnes, Interstate Transportation, p. 1105-6), are practically identical with the provisions of Section 15 of our law already quoted, and the decisions under the Interstate Commerce Act appear to be decisive of the two questions indicated.

Under the Interstate Commerce Act as originally enacted there was some doubt as to whether the tariff schedules should contain commutation, excursion and mileage tickets. This was due to the fact that Sec. 22 of the original Act of 1887 provided that "nothing in this Act shall *apply* to the issuance of mileage, excursion or commutation tickets."

Drinker, Interstate Commerce Act, Vol. I. S., 158, 234.
I. C. C. vs. B. & O. R. R. Co., 43 Fed. Rep., 37, 41.

Subsequently, however, Sec. 22 was amended so as to read "nothing in this Act shall prevent * * * the issuance of mileage, excursion or commutation passenger tickets," and in this form it is similar to Sec. 16 of the Maryland Law. The Interstate Commerce Commission now holds that mileage, excursion and commutation rates, must not only be inserted in the Tariff Schedules, but must be printed and posted as well.

Drinker, Interstate Commerce Act, Vol. I. S., 158, 234.
Barnes, Interstate Transportation, S. 563 E, p. 836; S. 657, p. 921.
See also S. 463 H, p. 707.

The same is true with reference to party rate tickets.

Barnes, Interstate Transportation, S. 564 F, p. 841; S. 659, p. 925.

All privileges or facilities attached to tickets must be inserted in the schedule, and this requires non-transferability to be inserted.

B. & O. R. R. Co. vs. Hamburger, 155 Fed. Rep., 849.

It is, therefore, quite clear that aside from the provisions of Sec. 16, p. 27, of the Maryland Law, expressly requiring excursion and commutation rates to be filed, the schedule of rates filed by The United Railways and Electric Company with the Commission properly set forth the so-called Commutation Rates or Residents' Books, the Special Landowner Rates and the Excursion Rates. In other words, *all* rates, whether special or otherwise, should appear upon the Tariff Schedule. Indeed, this would seem to follow from the requirements in S. 15, p. 24, of the Maryland law that the schedule shall state "all privileges or facilities granted or allowed."

Moreover, since the schedule filed with the Commission properly contained these special rates, it follows, I think, that the printed schedules which were posted should have contained them also. A reading of Sec. 15 of the law makes it too clear for discussion that the printed and posted schedules are to be precisely the same as and in no respect different from the schedule filed with the Commission. The printed schedules are simply copies of the filed schedule, and should not omit any rates which the latter contains. This is the requirement of the Interstate Commerce Act and it is also the requirement of our law.

While, however, the failure to insert the special rates in question in the printed schedules constitutes a defect in these schedules, it does not follow that on this account the Residents' Books rates, which are the only rates now under discussion, were not legal. The United States Supreme Court has expressly held that the posting of rates is not a condition precedent to the establishment of rates, but is merely intended to afford facilities to the public for ascertaining the rates actually in force; and that rates shown on the schedule filed with the Commission and with the company's agents are in force and operation, even though copies thereof have not been posted as required by the law.

Texas and Pacific Ry. Co. v. Cisco Oil Mill, 204 U. S.,
449.

Barnes, Interstate Transportation, S. 460 D., p. 692.

Drinker, Interstate Commerce Act, Vol. I, S. 239.

What, then, is the effect of including the Residents' Books in the company's schedule of rates?

In Drinker, Interstate Commerce Act, Vol. I, Sec. 240, a decision of the Commission is quoted, as follows:

"When once lawfully published, a rate, so long as it remains uncanceled, is as fixed and unalterable either by the shipper or by the carrier as if that particular rate had been established by a special act of Congress. When regularly published, it is no longer the rate imposed by the carrier, but the rate imposed by the law."

So true is this that the Supreme Court has held that where a rate contained in the tariff schedule is unlawful because excessive and unreasonable, still the shipper cannot have redress from the courts until he has first invoked redress through the Commission, "which body alone is vested with power originally to entertain proceedings for the alteration of an established schedule."

Texas and Pacific Ry. Co. v. Abilene Cotton Oil Co.,
204 U. S., 426, 435.

Same v. Cisco Oil Mill, 204 U. S., 449.

B. & O. R. R. Co. v. Pitcairn Coal Co., 215 U. S., 481,
493.

Interstate Commerce Commission v. C. R. I. & P. Ry.
Co., 218 U. S., 88, 110.

So. Ry. Co. v. Tift, 206 U. S., 428.

Harriman v. Interstate Commerce Commission, 211
U. S., 407, 428.

Now Sec. 15 of the Maryland law, as already shown, prohibits any change being made in any rate, fare or charge shown on the schedule, except with the Commission's consent given in the manner indicated in Sec. 15. This applies to regular rates, to commutation rates, and to every other rate *which is of a character permitted by law*, and which is shown on the schedule filed with the Commission. Whenever a rate falls within

one of the classes which a corporation is permitted to make, then the inclusion of that rate in the schedule establishes it as legal, and it remains legal until the Commission, in accordance with Sec. 15, orders or permits it to be abrogated or changed.

Such a rate may be unlawful because it is excessive, or because it is preferential, or because it is discriminatory, or because it violates the long and short haul clause, or for other reasons; but if it is included in the schedule, then it cannot be altered or cancelled except with the Commission's consent, in the manner provided in Sec. 15. This is true whether the rate is a mileage, excursion, commutation, party, round trip, or any other kind of legally permissible rate.

But all this is not applicable, in my judgment, to a rate *which is void on its face*. In other words, what has been said does not apply to a rate which, though appearing on the schedule, is yet there expressly shown to be of such a character as to be prohibited by law. Such a rate would be inherently illegal, and could receive no force or vitality from the fact that it was inserted in the schedule. For example, if the schedule states that free transportation will be granted to persons other than those authorized to receive it under Sec. 16, such free transportation would be illegal because absolutely prohibited by Section 16, and it could not be given even a temporary legality lasting until formally set aside by the Commission, by reason of the fact that it was inserted in the schedule. In like manner preferences and prohibitions are absolutely prohibited, except that commutation tickets are allowed, and if the schedule contains a rate which is plainly not a commutation rate at all, but which by its very description is discriminatory, then such rate is simply void because in violation of the express terms of the law.

In other words, a rate shown on the schedule is binding and legal until formally set aside, in accordance with Sec. 15, only where it is such a rate as *may*, under some circumstances, be legal. If the rate may or may not, according to the circumstances be a preference, or a discrimination, or be excessive, then it can only be changed after the passage by the Commission of an order, and the publication thereof, under the provisions of Sec. 15 of the law, and until that time it

continues in force. But where the rate, from the manner in which it is described in the schedule, is such that it cannot possibly be legal, where it must, from its very designation, be unlawful, then it is simply no rate at all, because it is in the very teeth of the law.

Applying these principles to the manner in which the Residents' Books were withdrawn, we find, in the first place, that the Company's schedule of rates, while calling these books "Commutation Rates," clearly describes them as special reduced rates which are in fact granted only to residents of particular, named localities. We find, also, that in the opinion of the Commission, rendered on October 14, 1910, in the Gillette case, the Commission, after declining to reduce the fare on the Ellicott City Line, said "it is altogether beyond our power to order one rate of fare for "residents" when for precisely the same service, at the same time and under the same conditions, a higher rate is applied to the general public. That would be a gross form of the unjust discrimination which the law creating this Commission expressly forbids. If it be true that it is the custom of the defendant to issue such "residents'" tickets on other suburban lines, it may not be proper for us to order a discontinuance of the custom without giving the parties interested an opportunity to be heard in its defense, but it is clearly our duty to bring the question to a prompt determination, and we will request our counsel to take whatever steps may be necessary to that end."

Subsequent to this, and after conference with the railway company or its counsel, the Commission permitted the company to recall the Residents' Books which the Commission had already characterized in its opinion in the Gillette case as illegal, and did this without the publication of any notice or the passage of any order under Sec. 15. I am of the opinion that if these Residents' Books, described in the company's Schedule of Rates, as there described are inherently illegal because on their face contrary to law, that when the manner in which the books were withdrawn was entirely proper.

Moreover, even if I am wrong in this, and even if the Residents' Books could not lawfully be withdrawn except after an order and publication as provided in Sec. 15, still this does

not mean, as counsel for the petitioners in the pending case contend, that the Commission must now order the Residents' Books restored because they were not withdrawn in accordance with the law. The subject of the legality of these books has been fully argued, and their status can be defined as well now as in the future. Indeed, the question is directly presented in the pending case, and it is the Commission's duty to pass upon it. Certainly, the Commission should not order the Residents' Books to be restored on the ground that the proper procedure for their withdrawal was not technically complied with, if as soon as the books are returned it would become the duty of the Commission, after giving the notice provided by Sec. 15, to order their withdrawal again on the ground that they are inherently illegal. The very same counsel who ask that the books be restored for the technical reasons referred to, have already been fully heard on the legality of the books themselves, and even conceding as correct their contention that the books should not have been withdrawn without an order and publication, still the proper course now, in my judgment, is for the Commission to pass finally upon the legality of the Residents' Books, and not to order them restored if, in the opinion of the Commission, they are illegal.

I pass, therefore, to a consideration of the legality of the Residents' Books as these books are described in the schedule, which description appears to be in exact accord with the manner in which the books were actually issued.

Sec. 16 of the Maryland law prohibits, in the broadest terms, any and all undue or unreasonable preferences or discriminations in the charges made to passengers, but provides also that nothing in the Act "shall prevent the issuance of mileage, excursion, school commutation or commutation passenger tickets, etc.; the same section prohibits carriers from charging in any case any greater or less compensation than is charged to all other persons "under the same or substantially similar circumstances and conditions;" and Sec. 19 provides that no carrier shall charge any greater compensation in the aggregate for the transportation of passengers "under substantially similar circumstances and conditions, for a shorter than for

a longer distance over the same line in the same direction, the shorter being included within the longer distance."

The Residents' Books were issued solely to the residents of particular geographical localities, and were issued to them solely because of the fact of their residence in those localities. A passenger traveling to or from any of these favored localities was not entitled to purchase the books unless he was a resident. The inevitable result was that a person residing in one of the favored localities could ride thereto or therefrom for a less rate than was charged to a person who did not reside therein for a ride over the same line, at the same time, in the same direction, and for the same distance; and unless there is some distinguishing feature in the place of residence, then both riders would be taken under precisely the same circumstances and conditions.

It is quite clear that there are only two theories upon which the Residents' Books could possibly be sustained. The first is that they were issued originally as inducements to persons to locate in the favored districts, the company, of course, expecting to reap a larger financial return because of this, and that such persons did, in fact, locate in these districts, build their homes and establish their families there, all in reliance upon the reduced fare which the Residents' Books afforded. This is putting the situation in its most favorable light to the residents.

In *Southern Pac. Co. v. Interstate Commerce Commission*, decided by the United States Supreme Court, February 20, 1911 (advance sheets March 15, 1911, p. 288), it is held that reduced rates granted for the encouragement of lumber industries which had established themselves in reliance thereon, may be raised by the railroad, notwithstanding the effect upon these lumber interests, provided the new rate is in itself reasonable. This decision demonstrates that the residents have no vested rights of any kind in the books. They accepted them, and built their homes on the faith of them, subject to a risk of a change in the law which would render their continuance unlawful.

L. & H. R. R. Co. v. Mottley, U. S. Supr. Ct., decided Feb. 20, 1911, advance sheets March 15, 1911, p. 265.

The United States Supreme Court having thus disposed of the first contention which might be made in favor of the books, there remains but one argument in support of their legality, namely, that the books are legal on the ground that the residents of the favored localities constitute a class among themselves, so that special rates may be given them which are not given to persons residing outside of these localities. Authorities need not be cited for the well settled proposition that for these residents to constitute a class of this kind, the classification must not be arbitrary, but must be based upon some reasonable distinction in principle between residents of the localities in question and non-residents of these localities.

When it is remembered, as already pointed out, that the existence of Residents' Books results in a different rate of fare to two persons who travel over the same line, at the same time, in the same direction, for the same distance, this difference in fare depending solely upon the fact that one of these persons resides in a given locality and the other does not, it is simply impossible to conceive of any reasonable principle upon which to justify a distinction in classification between the two.

Indeed, it may well be doubted if it is ever proper to seek for theoretical or possible reasons for a classification when the true reason is at hand. The true reason for this classification of residents is found in the railway company's belief that thereby the favored localities would grow, that in proportion as they did this the company's receipts would increase, and that the residents built their homes in the faith of the books. But this has been expressly held by the Supreme Court not to justify the continuance of rates granted upon such grounds in the face of a statute making them illegal, and the dicta to the contrary in *Sprigg vs. B. & O. R. R. Co.*, S. I. C. C., R. 443, can no longer be regarded as authoritative.

If, however, we disregard this, and seek to construct some reasonable basis for the classification of residents, we cannot find one. Such a classification is not based on age, nor on occupation, nor on accommodations, nor on the purpose for which the cars are to be used, nor is it in the interest of education or of charity, or in the interest of any lawful object whatever. It is simply and inherently an arbitrary classifica-

tion, based upon no reason at all other than the locality in which a person happens to reside, and the only thing upon which it could possibly be sustained—namely, that the residents purchased their homes in reliance upon it—has been held by the Supreme Court to be no justification at all for the continuance of the rates.

Commutation tickets may, of course, be issued, and undoubtedly involve a preference, but these tickets may be issued because the law expressly authorizes them. Commutation tickets, however, to be legal and not discriminatory, must be *open to all* who desire to purchase them between the points in which they are in force.

Hutchinson, Carriers, Vol. II, S. 1030.

Barnes, Interstate Transportation, S. 563, p. 836.

Weber Club, &c., vs. Oregon Short Line R. R. Co., 17 I. C. C. R., 212, 216.

State ex rel. Atwater vs. R. R. Co., 48 N. J. L., 55.

The Residents' Books, not being open to the public generally, are not commutation tickets, and are not authorized by the provisions of the law allowing commutation tickets to be issued.

Party rate tickets, in order to be legal, must be open to the general public.

Interstate Commerce Comm. v. B. & O. R. R. Co.,
145 U. S. 263; 43 Fed. Rep 37; 3 I. C. C. R. 192.

They cannot be issued to persons belonging to amusement companies only.

In re Party Rate Tickets, 12 I. C. C. R. 95, and cases
there cited.

Field v. Southern Ry. Co., 13 I. C. C. R. 298.

If persons engaged in a certain occupation do not constitute a class which justifies the issue to them of party rate tickets, it is equally clear that persons residing in a particu-

lar locality do not constitute a class which justifies the issue to them of reduced transportation.

Excursion rates must be open to all of the public who are willing to comply with the conditions under which they are issued.

Cator v. So. Pac. Co., 6 I. C. C. R., 113, 117.

Mileage books must be offered impartially to all who accept the conditions. They cannot be sold to commercial travelers for a lower price than to the general public.

Larrison v. C. & G. T. Ry Co., I. C. C. R., 147.

In re Passenger Tariffs, 2 I. C. C. R., 649, 653.

In *Commonwealth v. Interstate Consolidated Street Ry. Co.*, 187 Mass. 436, it was held that public school children form a class for which special rates may be provided on the ground that this was a reasonable classification *in the interest of public education*. This case was affirmed in 207 U. S. 79, but the court did not consider the constitutionality of the statute in question, but rested its decision upon the proposition that whether constitutional or not, it was binding upon a company which had accepted its charter subject to all duties imposed by general laws "now or hereafter in force." See case note to this decision 2 in L. R. A. (N. S.) 973.

No authority carries the right to classify individuals farther than does this Massachusetts decision, and yet there the court fully recognized that public school children could not receive reduced rates unless there was some reasonable grounds for constituting them a class, and the justification for this was rested by the court upon the promotion of public education which had always been the special care of the commonwealth. No similar or analogous justification can be found for constituting a class of all the residents of a given locality. It is also important to note that in *re Sale of Commutation Tickets to School Children*, 17 I. C. C. R., 144, the Interstate Commerce Commission held that school children did not constitute a class to whom reduced rates could be granted, but that such

reduced rate, to be legal, must be granted to all children alike within a designated age limit.

Barnes, Interstate Transportation, S 563 D, p. 835.

It is noteworthy that the Maryland Legislature did not take the chance of our courts holding school children to constitute a class to which reduced rates could be given, but in Sec. 16, p. 26, of the Maryland Law, the issuance of school commutation tickets is expressly authorized.

See further:

Alabama, &c., Ry. Co. vs. Miss. R. R. Comm., 203 U. S., 496.

Wilcox vs. Consolidated Gas Co., 212 U. S., 19, 54.

It is, therefore, in my judgment, impossible to escape the conclusion that the Residents' Books in the form in which they were issued constituted an arbitrary and therefore an unreasonable discrimination, and hence were illegal under the Public Service Commission Law. However strongly the Commission might desire to see these books restored, it cannot by any action on its part sanction their restoration without putting the stamp of its approval upon an illegal fare. However strongly the railway company might desire to restore them, it cannot do so without violating the law. It must be remembered that these books are not illegal because of any act on the Commission's part. Nor has any act of the railway company made them so. They are illegal solely and only because the Public Service Commission Law makes them illegal. The provisions of that law which do this are not only plain, but they are self-executing as well. If the Commission had taken no action at all, if the railway company had never withdrawn the books, they would still be unlawful, because the law pronounces them so. What the Commission's counsel is now doing, is not to pass upon any action which the Commission has taken or can take, but simply to advise the Commission that under the terms of the Public Service Commission Law as enacted, Residents' Books, in the form in which they have been used, are made illegal. If this be a misfortune to the residents who are

deprived of the use of such books, it is a misfortune which neither the Commission nor the railway company can help, but one which results solely from the terms of the law as it was passed by the Legislature. The result must be that the Residents' Books cannot be lawfully restored.

It may not be amiss to illustrate somewhat further the character of the Residents' Books or tickets. It should be borne in mind that what the company sells is *service*, and it is this service in which the public have an interest and not simply the corporation that may be invested with power. Corporations have no power to discriminate, and while offering to serve some, refuse to serve others. The law requires them to be impartial and to serve all alike. (C. & P. Telephone Co. v. B. & O. R. R. Co., 66 Md., 414.) Commutation tickets are authorized by the law upon the theory that they constitute a purchase of transportation by wholesale, and they are purchased mainly by persons who made daily use of the road between their homes and places of business. It is obvious that as to this service A cannot be favored in preference to B, who makes precisely the same use of the road, for no better reason than that A lives upon one side of a dividing line and B lives upon the other side. In the course of the hearing in this case it was shown that the sale of the Catonsville Residents' Books was confined to those persons receiving their mail through the Catonsville delivery. On another part of the same line, the sale was confined to persons living between Govans' Switch and Walker's Entrance, and in all cases there was some geographical limitation, regardless of the fact that other persons might make the same habitual use of the road, upon the same cars but be compelled to pay the full straight fare. In the opinion of the Commission this constitutes a discrimination which the Public Service Law condemns.

It follows from what has been said that the Commission has no alternative but to declare the resident and householder tickets, as described in the schedule filed by The United Railways and Electric Company of Baltimore, unlawful under the provisions of the Public Service Commission Law, and being so, no practical advantage can accrue from their temporary restoration only to gratify some technical requirement as to the

manner of removing them from the schedule. And this disposes of the first prayer of the petition.

The second prayer must be denied for the reason that the Commission has no power to establish commutation rates, if that is what the prayer intends to ask, and for the further reason that there is no evidence in this case tending to show that a universal rate based upon the commutation rate as a maximum, would be remunerative to the company, or even enable it to meet operating expenses and fixed charges. Whatever may be the attitude of the community upon the question of cheap fares, it is also profoundly interested in safe and adequate service, and in the absence of manifest injustice upon the part of the corporation, a commission would require substantial proof before it exercised its power to reduce rates to the point where the service might suffer and the convenience and safety of the public might be endangered.

It is true that the eighth paragraph of the complaint alleges that the receipts of the company from its suburban lines are more than sufficient to pay the expenses of operation, maintenance, repair, renewal, and a fair return upon the capital invested in said lines, and that the capitalization of The United Railways and Electric Company is greatly in excess of the true value of the property, and we suppose that the prayer was intended to cover these allegations. We have not felt that we would be justified in undertaking a physical valuation of the properties of the company, with the expense and delay which it would entail upon the Commission and the community, upon the showing made by the complainants in this case. It is common knowledge that The United Railways and Electric Company has not for several years past met the interest upon all of its bonds out of its earnings, and that its stock sells for little more than a nominal price, and has even this value chiefly from a speculative standpoint. It is not sought as an investment. Furthermore, in any such valuation the Commission would be bound by the provisions of Section 30 of the law, which requires that "as far as possible it shall not disturb the value of bonds of any of said corporations issued prior to the passage of this Act." This Commission had in a former case ruled that in the determination of some classes of questions, The United Rail-

ways and Electric Company must be regarded as a system. While it is unquestionably true that the suburban lines are important feeders to the system and contribute largely to the receipts of the urban lines, it is also true that they are dependent upon the urban lines for the ultimate destination of their passengers, and probably as independent properties would be unremunerative. We cannot ignore this interdependence of the city and suburban lines, but it does not follow as a consequence of it that the patrons of suburban lines are not entitled to as full consideration, both by the company and the Commission, as the patrons of any part of the system. In fact, it establishes their equality. For the reasons given, the Commission is obliged to dismiss the petition, and an order will be made accordingly.

The third prayer also asks the Commission to investigate the conditions of passenger traffic on the suburban lines beyond the city limits and fix such rates of fares to be charged by the company upon such lines, and particularly the lines which serve the communities in which complainants reside, as will be fair and reasonable. This is a very difficult problem to solve, and as no evidence was introduced with the special purpose of showing what the conditions actually are in the entire suburban district, the Commission is not in possession of sufficient information at this time to justify a disposition of it. We will, however, hold the matter for future investigation and make a diligent effort to ascertain all of the conditions which surround the situation.

Ordinarily, we should not pursue the subject further, but the Commission has reached its conclusions with reluctance, and as the record discloses the tender of the company, through its counsel, to restore the Residents' Books if the Commission should permit it to do so, we feel that it is not only not out of place, but our duty to take some notice of this tender. It is to be noted, in this connection, that the answer filed by the company excuses the withdrawal of the books upon the ground of their unlawfulness, and since the Commission has now been compelled, upon the issues presented in this case, to declare them to be so, it is obvious that the Commission can give no such authorization. More than once in the course of the hear-

ing the counsel of the company expressed the regret with which the books were withdrawn, and this taken in connection with the tender to restore them, seems to us to express a willingness upon the part of the company to establish a commutation rate upon its suburban lines if it can be done without loss to the corporation, and with justice to its patrons.

It is not necessary and may not be proper, at this time, to outline a scheme, because both the public who have petitioned for relief and the company which desires to restore former conditions as far as it is feasible and lawful to do so, are entitled to be heard. But it is not out of place to say that we have given much thought to the subject, and that the Commission is prepared to take it up promptly and devote its time and energies to a satisfactory solution of the difficulty.

Nor do we go beyond our province when we strongly recommend the adoption by the company of a schedule of commutation fares on its suburban lines. The Commission is charged with the duty of securing for the public efficient service at the lowest rates consistent with a just return to the company, and the company is interested in securing the largest possible volume of traffic as the only source of revenue from which such return may be derived. It is a fact in railroad operation that commutation rates increase the volume of traffic, and the practice of issuing them became established after trial had demonstrated their value. While the commutation tickets must be open for sale to all persons who apply for them, conditions may be legally attached to them which will practically restrict their sale to those classes who make an habitual use of the road for business purposes or other reasons which demand frequent trips over the lines, and which would render their purchase unprofitable to the general public. There is now an undoubted trend towards the suburbs of large cities for residential purposes, and the situation in the environs of Baltimore is not different from that of other cities in the country. It is claimed by the petitioners, and it may be true, that the revenues of the company will not be seriously affected at the outset by the adoption of a commutation schedule, and that in a short time its wisdom and profit will be shown in decided gains both in earnings and in the mutual good will which are

essential to up-to-date and efficient service. Time and labor will be well spent by all concerned if such a condition can be established, and the Commission can conceive of nothing more in the line of its duty, as well as its pleasure, than the opportunity to contribute to its attainment.

ORDER No. 263

In the matter of	} Before the Public Service Commis- sion of Maryland. Case No. 96.
OLD FREDERICK ROAD IMPROVEMENT ASSO- CIATION AND OTHERS	
vs.	
THE UNITED RAILWAYS AND ELECTRIC COMPANY OF BALTIMORE.	

The petition filed in this case prays for:

1. The passage of an order declaring the action of the respondent in withdrawing the Residents' Books as described in its Schedule of Rates filed with the Commission on the 16th day of September, 1910, to be unlawful, and declaring said tariff schedule to be the only lawful rates of said company.
2. The passage of an order, if the Commission be of the opinion that said rates are discriminatory within the meaning of the Public Service Commission Law, requiring said company to furnish transportation for all persons at said "commutation rates" as set forth in said tariff schedule without unjust discrimination.
3. That the Commission investigate the conditions of passenger traffic on the suburban lines beyond the city limits of Baltimore City, and fix such rates of fare to be charged by the company upon such suburban lines, and particularly the lines which serve the communities in which complainants reside, as will be fair and reasonable.

Answer was filed by the respondent, several hearings were held at which a large volume of evidence was taken, and the counsel of the respective parties were heard upon the questions involved.

The Commission has filed an opinion expressing its views upon the issues raised in the record, and in accordance therewith, it is this 3rd day of May, 1911,

Ordered, 1. That the first and second prayers of the petition be and are hereby dismissed.

2. That the subject matter of the third prayer of the petition is reserved for further investigation by the Commission and such further hearing as the Commission may deem advisable after due notice to the respective parties interested therein.

ORDER No. 264

In the matter of

The Petition of the PENNSYLVANIA RAILROAD COMPANY, by J. R. Wood, Its Passenger Traffic Manager, for Permission to File and Publish on Five Days' Notice to the Commission and the Public, Supplement No. 1 to Its Passenger Tariff, P. S. C. Md. No. 91.

Before the Public
Service Commission
of Maryland.

Case No. 146.

This is a petition for permission to file and publish on five days' notice to the Commission and the public, a supplement, to be known as Supplement No. 1 to Pennsylvania Railroad passenger tariff P. S. C. Md., No. 91, to supersede and take the place of fares on like traffic from and to the same points which are set forth in said tariff P. S. C. Md., No. 91, now on file with the Public Service Commission of Maryland, in order to correct certain typographical errors in said tariff P. S. C. Maryland, No. 91, as set forth in said petition.

Upon consideration thereof, it is this 3d day of May, 1911,

Ordered, That the Pennsylvania Railroad Company, by J. R. Wood, its passenger traffic manager, be and is hereby permitted to file said Supplement No. 1 to P. S. C. Md., No. 91, to be effective five days after filing same with the Public Service Commission of Maryland, provided said supplement be filed

with this Commission not later than ten days subsequent to the date of this order and shall bear the following notation:

"Issued on five days' notice to the public and Commission under special permission of the Public Service Commission of Maryland, Order No. 264, of date May 3d, 1911."

ORDER No. 269

In the matter of

The Petition of the WESTERN MARYLAND RAILWAY COMPANY, on behalf of the Frederick Railroad Company, for Permission to Establish on Less than Statutory Notice Rate on Stick Bark from Certain Stations on the Frederick Railroad to Tannery, Md.

Before the Public Service Commission of Maryland.

Case No. 147.

The above mentioned petition having been received and filed, and upon consideration thereof, it is this 10th day of May, 1911,

Ordered, That permission and authority be and is hereby given the Western Maryland Railway Company on behalf of the Frederick Railroad Company, to establish and file on one day's notice to the Commission and the public, Supplement No. 4 to its tariff P. S. C., Md., No. 63, establishing a rate of \$1.20 per 2,000 lbs. on stick bark, carloads, from Yellow Springs, Md., Bethel, Md., Mountain Dale, Md., Lewistown, Md., and Catocin, Md., to Tannery, Md.,

PROVIDED, That said supplement be issued by the petitioners within three days from the issuance of this order and be published as required by law by posting at each of the above named stations and that all copies of such supplement shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 269 of May 10th, 1911."

ORDER No. 270

In the matter of

The Petition of the BALTIMORE AND OHIO RAILROAD COMPANY for Permission to Establish on Less than Statutory Notice Rate on Ground Oyster Shells, in Bags, Carloads, Minimum Weight 40,000 Pounds, from Baltimore, Md., and Other Stations on the B. & O. R. R., Bay View to West Baltimore, Both Inclusive, to Bradshaw, Md.

Before the Public Service Commission of Maryland,

Case No. 148.

The above mentioned petition having been received and filed upon consideration thereof, it is, this 10th day of May, 1911,

Ordered, That permission and authority be, and it is hereby, given the Baltimore and Ohio Railroad Company to establish and file, effective on one day's notice to the Commission and the public, a rate of \$1.00 per 2,000 pounds on ground oyster shells, in bags, carloads, minimum weight 40,000 pounds, from Baltimore, Md., and other stations on the Baltimore and Ohio Railroad, Bay View to West Baltimore, both inclusive, to Bradshaw, Md.

PROVIDED, That a tariff or a supplement to an existing tariff containing said rates be issued by the petitioner within three days from the issuance of this order, and published as required by law by posting at each of the above named stations, and that all copies of such tariff or supplement shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 270, of May 10th, 1911."

ORDER No. 271

In the matter of

The Petition of the PENNSYLVANIA RAILROAD COMPANY for Permission to Establish and File on Less than Statutory Notice, on Behalf of the Philadelphia, Baltimore and Washington Railroad Company, Local Passenger Tariff of Rates for Shipment of Milk and Cream between Stations Within the State of Maryland; and, on Behalf of the Northern Central Railway Company, Local Passenger Rates for Shipment of Milk, Cream, Buttermilk and Skimmed Milk, between Stations in Said State of Maryland.

Before the Public
Service Commis-
sion of Maryland.

Case No. 149.

The above mentioned petition having been received and filed, upon consideration thereof, it is this 11th day of May, 1911,

Ordered, That permission be and is hereby given the Pennsylvania Railroad Company to publish and file on one day's notice to the Commission and the public, on behalf of the Philadelphia, Baltimore and Washington Railroad Company, local passenger tariff of rates for shipment of milk and cream between stations within the State of Maryland located on the Maryland Division, Central Division, or Delaware Division; and on like notice to the Commission and the public on behalf of the Northern Central Railway Company, local passenger tariff of rates for shipment of milk, cream, buttermilk and skimmed milk between stations on the Baltimore Division within the said State of Maryland.

PROVIDED, That the petitioner issue and file the aforesaid tariffs with the Commission within ten days from the issuance of this order and that said tariffs be published by posting as

required by law and that all copies of said tariffs shall bear the following notation:

“Issued under special permission of the Public Service Commission of Maryland, Order No. 271 of May 11th, 1911.”

ORDER No. 274

In the matter of	} Before the Public Service Commis- sion of Maryland. Case No. 152.
THE BALTIMORE BRICK COMPANY, Complainant,	
vs.	
THE BALTIMORE AND OHIO RAILROAD Co., Defendant.	

AUTHORITY TO REFUND \$43.72.

Upon shipments made April 6th, 8th and 10th, 1911, of one (1) carload of bricks on each of said dates respectively, said shipments weighing respectively 61,100, 74,600 and 58,600 pounds; aggregating 194,300 pounds; from Gay Street, Baltimore, to Sparrow's Point, Md.; both within the State, the Baltimore and Ohio Railroad Company exacted from complainant, the Baltimore Brick Company, for the transportation of said carloads of brick, the sum of \$77.72, the same being at the rate of 4 cents per hundred pounds on the aggregate weight of said carloads.

Such rate of 4 cents per hundred pounds was an attempted though erroneous application of the class rate from Camden Station, Baltimore, to Sparrow's Point, Md., said class rate being 5 cents per hundred pounds, under defendant's tariff P. S. C., Md., No. 9, filed with this Commission.

The defendant has published in its Supplement No. 8 to its tariff P. S. C., Md., No. 40, a rate on bricks, carloads, from Gay

Street, Baltimore, to Sparrow's Point, Md., of 35 cents per 2,000 pounds, effective June 5th, 1911.

Complainant claims and defendant admits, that the rate applied, or attempted to be applied to said shipments was excessive, and defendant further admits that the rate of 35 cents per net ton would be a just and reasonable charge applied to the shipments in question.

It appearing to the Commission that reparation to the extent of the difference between the amounts collected upon said shipments, and the sum produced by a rate of 35 cents per net ton thereon, should be allowed the complainants upon said shipment, it is

Ordered, This 13th day of May, 1911, that the complainants, The Baltimore Brick Company, are entitled to recover from the defendant, The Baltimore and Ohio Railroad Company, the sum of \$43.72, as reparation for and on account of exaction by defendant of said unjust and unreasonable charge of \$77.72 for transportation of the shipments aforesaid.

OPINION.

In the matter of
BELVEDERE HOTEL COMPANY
vs.
WESTERN UNION TELEGRAPH COMPANY,
POSTAL TELEGRAPH-CABLE COMPANY,

} Before the Public
Service Commis-
sion of Maryland.
Case No. 126.

Hearing April 27, 1911. Decided May 19, 1911.

MARBURY AND GOSNELL for Petitioner.

W. IRVINE CROSS and R. MARSDEN SMITH for Western Union Telegraph Company.

BOND, ROBINSON AND DUFFY for Postal Telegraph-Cable Company.

LAIRD, Commissioner.

The Belvedere Hotel Company is a corporation incorporated under the laws of the State of Delaware, for the purpose,

among others, of owning, managing and conducting hotels in the City of Baltimore. In the exercise of its charter powers, it has for several years past owned and operated a hotel, on the corner of Chase and Charles streets in said city, known as the Belvedere Hotel. This hotel has accommodations for three hundred and fifty guests and enjoys an extensive patronage. It has one hundred and fifty permanent boarders, and during the year preceding the hearing in this case, 81,139 transient guests registered on its books.

The defendant companies are incorporated under the laws of the State of Maryland. For about seven years prior to the 23rd of March, 1911, they had maintained offices in said hotel opening upon the corridor in the rear of the lobby and office. For more than a year prior to the above date the manager of the Postal Telegraph-Cable Company had complained that the location of its office, some ten feet further along the corridor than the Western Union Telegraph Company's office, did not afford it (the Postal Company), equal advantages, as the Western Union office could be first seen.

In order to meet the conditions, the hotel company proposed to divide a room in the basement into offices of equal size and to fit them up, "with a view (as the petition states) of supplying adequate and equal accommodations to both of said companies," but it does not appear that the companies were previously consulted about the location. The petition further alleges, "that on Thursday, the 23rd instant (March), the local managers of both companies together with one E. D. Pillsbury of New York, called upon the president of the Hotel Company; which said Pillsbury stated that he is the general superintendent of the Postal Telegraph Company. The said Pillsbury stated that he had come to complain of the location of the Postal Telegraph office at the Belvedere Hotel. Upon being advised that arrangements were being made to meet his objections and to put the two companies upon equal basis of location and convenience, the said Pillsbury replied that unless given accommodations in the main lobby of the hotel at certain points suggested, he would withdraw the service of both companies. Your petitioner alleges that the construction and business needs of the hotel make the granting of these arbi-

trary demands impossible and so advised the said Pillsbury, further advising him that the space now occupied by the telegraph companies was needed for the business of the hotel. The said Pillsbury thereupon stated that he would immediately withdraw the services of both companies from the hotel. Your petitioner alleges that within an hour thereafter the said telegraph companies, acting in illegal combination in disregard of the rights, convenience of your petitioner, its guests and patrons and of the public in the matter of efficient telegraph service, did remove their operators and instruments from the Belvedere Hotel."

Other allegations of the petition are, that telegraphic service at or in the immediate vicinity of the Belvedere Hotel is essential to the comfort and convenience of the general public, the residents of the neighborhood and the permanent and transient guests of the hotel, who, for seven years have been able to use said service, and that the acts of the companies in so discontinuing their service at the Belvedere Hotel, is utterly in disregard of the rights of the public and of the petitioner and its guests and patrons, and especially in violation of Section 40 of the Public Service Commission Law.

The prayer is, that an order be passed commanding and directing said Postal Telegraph-Cable Company and said Western Union Telegraph Company to re-establish offices of said companies at the Belvedere Hotel or at some point not further than one block from the corner of Charles and Chase Streets, and to furnish proper telegraphic facilities to the Belvedere Hotel, its guests, patrons and the public generally.

The charges that the telegraph companies were acting in "illegal combination," and that Mr. Pillsbury spoke for both companies, are not sustained by the evidence. As the hotel company had placed them both in the same position before this petition was filed, and also made them joint defendants in the petition itself, it was not only natural but inevitable that they should make a common defense, and the fact that they did so has no weight in the determination of the case.

The essential facts of the case, other than those already mentioned, are:

1. That the Belvedere Hotel is an eligible location for telegraph offices, on account of the number of its permanent inmates, the large number of transient guests whom it receives during the year, and its accessibility to a considerable part of the general public who resort to it for various purposes; and the best evidence that it is so, is found in the fact that both of the telegraph companies doing business in Baltimore maintained offices therein and made a profit out of the business. The evidence shows, however, that the general public did not patronize these offices to any considerable extent.

2. That of the eighteen stations of the Western Union Telegraph Company in Baltimore, one is located at Mount Royal Station of the Baltimore and Ohio Railroad, four blocks from the Belvedere Hotel, and one at 209 Richmond Street, three blocks distant. Of the fourteen stations of the Postal Telegraph-Cable Company, one is located at the Stafford Hotel, three blocks, one at Union Station, four blocks, one at 704 Madison Avenue, eight blocks, from the Belvedere Hotel.

3. That it is now possible to communicate messages to telegraph offices by the telephone, but this service is attended by some inconvenience to transient hotel guests and other than telephone subscribers, as the hotel is required to guarantee payment for the messages.

4. That telegraph companies are, for business reasons, averse to locating their offices in basements, and now decline to do so, preferring to relinquish offices in hotels altogether rather than accept a location in a basement, and that at the time the offices in the Belvedere Hotel were vacated, the only alternative proposed by the hotel company was a basement location.

5. That the hotel company, during the hearing, tendered to the Western Union Telegraph Company (which it regarded as furnishing the more extensive and satisfactory service) a location in the telephone booth on the lobby floor, which the manager of that company said was suitable for its purposes, but which it did not desire to avail itself of to the exclusion of the Postal Company—the hotel company declining to provide a similar location for the latter.

6. That there are persons who patronize the Postal Company in preference to the Western Union Company.

The hearing and argument of the case consumed three days and each of the parties has filed a brief. In the progress of the case it became evident that the real purpose of the hotel company was to compel one or both of the telegraph companies to locate in the hotel, and the petitioner's brief is confined almost entirely to the point that the Public Service Commission has the power to order them or either of them to locate an office in the hotel, and in case the order is made to apply to only one of them, it should be the one which the hotel company designates, namely, the Western Union. No evidence was introduced to prove that a satisfactory location for an office existed or could be obtained within one block of the hotel. One block north would have brought the new station that much nearer to the one at Mount Royal Station, and one block west would have brought the new station and those at Mount Royal Station and Richmond Street into unreasonable proximity and resulted in inconvenience to all concerned. The conditions southward on Charles Street and eastward on Chase Street, are such as to preclude them from consideration. So that apart from the final contention of the petitioner, we should be confined to the hotel itself as the only location, if the telegraph companies are to be required to maintain offices in the immediate vicinity of the corner of Charles and Chase Streets.

The questions thus presented for the consideration of the Commission are not without difficulty and are important in their bearing not only upon the present case but as involving principles which may affect other utilities.

Does the Commission possess the power to order the opening of an office by a telegraph company in a particular locality and in a particular house in that locality?

The general proposition controlling the determination of this question may be stated in the words of the latest writer on the subject of public service corporations: "That those who profess a public employment owe the utmost public service, should generally be accepted as the fundamental principle upon which the law governing public employment is to be based."

Wyman, P. S. C. Corp., Preface VIII; Ib. Sec 330.

Section 41 of the Public Service Commission Law provides: "That every telegraph company or telephone company within the jurisdiction of this Commission shall provide such service and facilities as shall be adequate, just and reasonable." This and other provisions of the law would seem to remove any doubt which might be entertained as to the power of the Commission to order establishment of telegraph stations in particular localities if the evidence shows that the public interest requires it. These stations are part of the facilities of telegraph companies, and independently of any provisions of law the companies have found it convenient and profitable to maintain a number of them in large cities. Their proper distribution within the area served is a matter of importance to the community, and in case of their being concentrated in a small area, the Commission would have the power, and it would be its duty, upon complaint, or upon its own motion, to order a redistribution of existing stations or the establishment of new ones to provide the "adequate, just and reasonable" service to which the public is entitled.

The general power of the Commission being thus established, we are still confronted with the question: Has the Commission the power to prescribe the exact location of the station in the designated locality? And in this connection we must consider the petition in this case and the precise thing which the Commission is asked to order.

Attention has already been called to the fact that if offices are to be established within one block of Charles and Chase streets, we are practically confined to the Belvedere Hotel itself as the location thereof, and we have also expressed the opinion that the Belvedere Hotel is an eligible location for telegraph offices. But this assumes, of course, that the quarters assigned are such as are suitable and desirable for the business of the telegraph companies. The hotel company cannot be permitted to ask that the telegraph companies be required to establish offices in its building, and at the same time assert the right to assign only such space as suits the convenience of the hotel without regard to the convenience and business of the telegraph companies. The proposed arrangement is a business one in which mutual interests and mutual duties are

to be adjusted, so far as the immediate parties to the transaction are concerned, but in which the public convenience is also to be considered, for it is the public interest alone which clothes the Commission with power to act in the premises.

The telegraph companies would not be heard to insist upon a location in a dining-room or reading-room where the clicking of the instruments and the transaction of the business of the offices would annoy and inconvenience guests of the hotel, or in the bar-room where its patrons would be subjected to disagreeable associations and possible insult, and the hotel company should not be heard to insist upon a location which the business experience of the telegraph companies has demonstrated to be undesirable and unsuited to their purposes. Some discretion must be conceded to the companies. (Wyman, P. S. Corp., Sec. 814.) Otherwise the hotel company might be the only beneficiary, at the expense of the companies and also of the public which the facilities are designed to serve. It is possible that the conditions existing in a given area may be such that owing to the unwillingness of property owners to rent their premises for a telegraph station but one location therein is available, and in such cases, assuming a pressing public necessity, the Commission might be disposed to insist upon the establishment of a station there, even though it was not all that might be desired by the telegraph company.

That, however, is not the case presented here. The hotel company is the sole complainant. It is the prime mover in the controversy which led to the withdrawal of the offices by the telegraph companies, and up to the time of filing the complaint insisted upon the companies accepting the locations dictated by the hotel company, notwithstanding their protest that such locations were unsatisfactory and unsuitable for telegraph offices. It is true that the guests of the hotel were benefited by having the telegraph offices in the house and the hotel company itself derived some advantage therefrom. It was therefore natural that the hotel should desire to retain the offices upon its premises. This desire entitled the telegraph companies to some consideration when it came to the point of determining whether the designated offices were adapted to their purposes.

Inasmuch as the business at the offices heretofore maintained in the hotel were paying a fair return, it is a safe conclusion that the stations would not have been withdrawn from mere whim, and this view is confirmed by the fact that one of the companies in its answer expresses its readiness to reinstate its station in a proper location, and the local manager of the other company, stated that in his opinion a location in the telephone booth would be satisfactory.

In this connection, it is proper to state that the Commissioners personally visited the hotel and inspected the various suggested locations in the presence of the president of the hotel company and the local manager and counsel of the Western Union Telegraph Company. Our conclusion was that the basement offices are undesirable both on account of their location and their surroundings, and that it might be possible to establish both companies on the lobby floor without serious inconvenience to the hotel management or its patrons—certainly not greater than the hotel should be willing to suffer for the sake of the facilities which this complaint plainly indicates that the hotel desires to have at hand for its own and its patrons' use. The hotel company, however, declines to consider the location of both offices upon the lobby floor.

As the record now stands, therefore, with the hotel company declaring itself unable to accommodate both of the telegraph companies upon an equal footing as to location in situations by them deemed suitable for their business, and with stations of both companies located not remotely from the hotel and accessible thereto by telephone (though that service is somewhat unsatisfactory), it seems to us that injustice would be committed by ordering both companies into an unsuitable location in the basement, which is the only alternative, according to the brief of the complainant, if the Commission considers that its order should affect both companies. We think they should not be separated and that the public demand for telegraphic facilities at the Belvedere Hotel is neither so great nor so insistent as to justify the order prayed for, and insisted upon in complainant's brief, under the circumstances of this case.

Although nothing was said about it at the hearing, it may not be amiss to call attention to a provision of the Public Service Commission Law which may affect the relations of the Belvedere Hotel Company and the telegraph companies upon grounds other than those herein decided, in case they seek to re-establish the offices in the hotel. Under the former contract the rental for the telegraph offices was paid by telegraph service to the hotel company. Section 16 of the law provides that "no common carrier shall charge, demand, collect or receive a greater or less or *different* compensation for transportation of passengers, freight or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time." By Section 41, this provision is made applicable to telephone and telegraph companies. The Supreme Court of the United States in Chicago, Ind. and L. R. R. Co. v. United States, reported in Advance Sheets of Decisions of the Supreme Court for March 15, 1911, construing a similar provision of the Interstate Commission Act, has declared this language to mean that nothing but money can be received by a railroad corporation for transportation. Under the Maryland Act the same restriction would apply to telegraph companies doing business in this State.

For the reasons given, the petition must be dismissed and it will be so ordered.

ORDER No. 276

In the matter of
The Complaint of the BELVEDERE HOTEL
COMPANY
vs.
WESTERN UNION TELEGRAPH COMPANY,
POSTAL TELEGRAPH-CABLE COMPANY.

Before the Public
Service Commis-
sion of Maryland.

Case No. 126.

In accordance with the opinion of the Commission filed this 19th day of May, 1911, it is

Ordered, That the petition in this case be and the same is hereby dismissed.

OPINION.

In the matter of OAK LAWN CEMETERY COMPANY ET AL. <i>vs.</i> UNITED RAILWAYS AND ELECTRIC COMPANY OF BALTIMORE.	}	Before the Public Service Commis- sion of Maryland. Case No. 83.
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Hearings, April 12th and 19th, 1911. Decided May 19, 1911.

JOHN M. CARTER, Counsel for Petitioners.

J. PEMBROKE THOM, Counsel for Defendant Company.

HERING, Commissioner.

The complainants in this case present two points for the determination of the Commission.

First, That the rate of fare of 10 cents on the Back and Middle River division of The United Railways and Electric Company, is excessive and discriminatory and ought to be reduced to 5 cents.

Second, That the service on this division of The United Railways and Electric Company is inadequate and unsatisfactory.

We consider the complaints in the order they are presented.

The distance from the city to the eastern end of the Back River Bridge, the section complained of, embraces two fare zones. The first zone going east begins within the city and extends to Eleventh and Lombard streets, Highlandtown. The second zone is from Eleventh and Lombard streets, Highlandtown, to the east end of Back River Bridge, being entirely within the county. The fare on these zones embraces full transfer privileges in the city, both going and returning.

These zones were established at the time the road was built, and before it came into the possession of The United Railways and Electric Company, and remain unchanged, except that the county zone has been extended since The United has had charge, from the west to the east side of Back River.

The system of making sections, known as fare zones, the basis of charge by electric roads seems to be necessary. It is at least the mode of charge adopted by electric roads generally. Their frequent stops and the mode of handling their traffic, having no permanent stations along their lines, renders it impossible for electric roads to adopt the system of charging per mile, as do the steam roads.

While these zones are presumed to be fixed with reference to the convenience of the traveling public, keeping in mind also the interests of the road, their establishment is necessarily arbitrary. That is, there must be some limit to the zone line. Those who are immediately outside of the line are required to pay an extra fare may think that by this system they are unfairly dealt with. But this is not so. However much the zone might be extended in any given case, the conditions would remain the same. Some one would be just outside the line. Much more, however, than distance does the reasonableness of charges within zone limits depend upon the character of the section through which the road passes, as to whether it is sparsely settled or thickly settled.

It is easy to understand that where the cars pass through a densely populated section, the average ride would be shorter and the number of passengers would be larger than in a section not so closely settled, the number of persons using the cars for short rides being in direct ratio to the number of people in populous sections who can readily reach the car lines. So that the railway company would collect more fares in one zone than another of equal distance. In the present case the rate of fare from Baltimore City to the eastern side of Back River is 10 cents; except that the company has established an excursion fare rate of 5 cents to Back River after one o'clock in the afternoon of Sundays during the entire year, and daily after one o'clock during the excursion season.

The complaint of the inadequacy of service and the crowded condition of the cars which is raised in this case, is unquestionably the outcome of the establishment by the company of the 5 cent excursion rate. This the company did for the promotion of its business and in the exercise of its legitimate functions as a Public Service Corporation. And the duty with which this Commission is charged is to see that the company is reasonably fulfilling its obligation to the traveling public as to service and as to the rate of charge.

The Commission is of opinion that for the service rendered by The United Railways and Electric Company on its Back or Middle River division, the present rate of charge is not excessive nor discriminatory.

We now take up the second complaint, to wit: that the service is inadequate and unsatisfactory. A number of witnesses were examined during the hearings which were held by the Commission on April 19th and 20th, and argument, by Mr. John M. Carter for the complainants, and Mr. J. Pembroke Thom for the railway company, was heard on April 25th.

In order to pass intelligently upon the complaint under consideration, we must have a clear understanding of the present service. The testimony shows the following to be the schedules on this line, both for winter and for summer.

The winter schedule to Back River is, on week days 30 minutes. The Sunday winter schedule is, from 6 A. M. to 12.30 P. M., 15 minutes; from 12.30 P. M. to 6.30 P. M., 8 minutes, and from 6.30 P. M. to 11.30 P. M., 15 minutes. The summer schedule during the excursion season, for week days is, from 5.30 A. M. to 12.30 P. M., 20 minutes; from 12.30 P. M. to 6.30 P. M., 10 minutes, and from 6.30 P. M. to 11.30 P. M., 5 minutes. The Sunday excursion schedule is, from 6 A. M. to 7.30 A. M., 15 minutes; from 7.30 A. M. to 2 P. M., 6 minutes, and from 2 P. M. to 11 P. M., 2 minutes. After 11 P. M. until the cars stop running, 4 minutes. It was also stated that during good weather conditions and heavy traffic, trippers were put on at different intervals.

The testimony shows that while there is often great crowding of the cars on Saturday evenings and on Sundays, there is no reason for serious complaint, except on those days when

the 5 cent rate of fare is being charged. Back River is a popular fishing shore, and there are other resorts reached by the Back River line. Along this line, also, about 3 miles from Back River, is located Oak Lawn Cemetery.

Many persons visit these resorts during the summer season, and especially on Saturday afternoons and on Sundays. There are also many persons visiting Oak Lawn Cemetery. This is particularly the case on Sundays. So that large numbers of persons find themselves at or near the Back River end of this electric line on Saturday and Sunday evenings, and when the object of their visit is accomplished, all are eager to return to their homes at the earliest possible moment. This necessarily lays a heavy burden upon the railway company, and it is not surprising that criticism should come from this impatient, waiting crowd, all anxious to make the return trip. But the railway company avers, and with a strong show of reasonableness, that it would be difficult, if not impossible, with safety to travel, to do more than they are now doing to relieve this troublesome situation. It will be recalled that the summer week-day schedule, from 6.30 P. M. to 11.30 P. M., is 5 minutes, and that the Sunday schedule from 2 P. M. to 11 P. M. is 2 minutes, and that in addition to this when the traffic is heavy, trippers are put on.

Believing that the railway company is making a reasonable effort to meet the condition complained of, and that it would not be safe to the public, nor just to the railway company to require them to do more, we shall enter an order in accordance with this opinion.

ORDER No. 277

<p>In the matter of</p> <p>OAK LAWN CEMETERY COMPANY AND OTHERS</p> <p>vs.</p> <p>THE UNITED RAILWAYS AND ELECTRIC CO. OF BALTIMORE.</p>	}	<p>Before the Public Service Commis- sion of Maryland.</p> <p>Case No. 83.</p>
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Ordered, This 19th day of May, 1911, that in accordance with the opinion filed in this case, the prayer of the complainant be denied, and the complaint be dismissed.

ORDER No. 281

<p>In the matter of</p> <p>The Application of the CONSOLIDATED GAS ELECTRIC LIGHT AND POWER COMPANY OF BALTIMORE for Permission and Ap- proval of the Issue by the Consolidated Gas Electric Light and Power Com- pany of Baltimore of \$844,000 of Gen- eral Mortgage 4½% Bonds, under Mort- gage of the Consolidated Gas Electric Light and Power Company, and \$60,000 of 4½% Bonds, under Mortgage of The United Electric Light and Power Co.</p>	}	<p>Before the Public Service Commis- sion of Maryland.</p> <p>Case No. 151.</p>
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WHEREAS, The Consolidated Gas Electric Light and Power Company of Baltimore has applied to this Commission for an order authorizing the issue of \$844,000 of its 4½ per cent. bonds secured by the general and supplemental mortgages from the Consolidated Gas Electric Light and Power Company to the Continental Trust Company, trustee, dated, respectively, February 14, 1905, and May 15, 1905, and also authorizing the

issue of \$60,000 of 4½ per cent. bonds secured by mortgage from the United Electric Light and Power Company to the Maryland Trust Company, trustee, dated May 8, 1899; and

WHEREAS, The proceeds of the bonds secured by the mortgages from the Consolidated Gas Electric Light and Power Company, aforesaid, amounting to..... \$844,000.00 are to be applied as follows:

For the discharge or lawful refunding of short time obligations incurred for betterments and extensions or additions made or acquired from September 1, 1910, to March 31, 1911.... \$262,828.34

For the acquisition of additional property and the construction, completion, extension and improvement of its plant and distributing system during the year beginning July 1, 1911 581,478.00

\$844,306.34

and the said bonds secured by the mortgage from the United Electric Light and Power Company, amounting to..... \$60,000.00

are to be applied to the discharge or lawful refunding of short time obligations assumed in the retirement of underlying bonds of constituent companies, as follows:

Brush Electric Company, general mortgage 5 per cent. bonds..... 46,000.00

Edison Electric Illuminating Company, first mortgage 6 per cent. bonds. 14,000.00

\$60,000.00

And WHEREAS, In the opinion of this Commission, after due hearing and examination, the use of the capital to be secured by the issue of such bonds is reasonably required for the said purposes of the corporation so applying for authority, and both issues will be in accordance with the provisions of the respective mortgages aforesaid as well as in accordance

with the provisions of Section 34 of the Public Service Commission Law;

It is, therefore, by the Public Service Commission of Maryland, this 23rd day of May, 1911,

Ordered, 1. That the Consolidated Gas, Electric Light and Power Company of Baltimore be, and it is hereby authorized to issue and sell for cash at not less than 85 per cent., bonds to the amount of \$844,000, bearing $4\frac{1}{2}$ per cent. interest, of the series secured by the general and supplemental mortgages from the Consolidated Gas, Electric Light and Power Company to the Continental Trust Company, trustee, above mentioned and also \$60,000 of $4\frac{1}{2}$ per cent. bonds secured by the said mortgage from the United Electric Light and Power Company to the Maryland Trust Company, trustee, in accordance with the terms and conditions of the said mortgages;

2. That upon the sale or other disposition of any of the bonds so authorized the said Consolidated Gas, Electric Light and Power Company of Baltimore shall promptly report to this Commission the fact and terms and conditions of such sale or other disposition and the application of the proceeds thereof;

3. That on or before the expiration of each period of six months from the date hereof, and at such other times as may hereafter from time to time be prescribed by this Commission, the said Consolidated Gas Electric Light and Power Company of Baltimore shall report to this Commission all its acts and proceedings hereunder and the disposition made of any of said bonds or the proceeds thereof, and also the amount and condition of any of said bonds or proceeds still remaining until the whole amount of both bonds and proceeds shall have been accounted for to the satisfaction of this Commission.

4. That each and every report above mentioned shall be verified by the affidavit of the treasurer and of at least two of the directors of the said Consolidated Gas Electric Light and Power Company.

ORDER No. 284

In the matter of

The **P**etition of the **B**ALTIMORE AND **O**HIO
RAILROAD **C**OMPANY for Permission to
File and Publish, Effective on Less
than Statutory Notice, a Tariff
Changing the Minimum Weight for
Steel Hopper Cars, Marked Capacity
110,000 Pounds, from 110,000 Pounds
to 100,000 Pounds.

Before the Public
Service Commis-
sion of Maryland.

Case No. 157.

The above-mentioned company, by its tariff P. S. C., Md., 201, duly filed with this Commission, established a minimum weight of 110,000 pounds for steel hopper cars of marked capacity 110,000 pounds and now petitions for permission to file and publish on less than statutory notice an amendment to said tariff, changing the minimum weight for steel hopper cars of marked capacity 110,000 pounds, from 110,000 pounds to 100,000 pounds.

Upon consideration thereof, it is, this 29th day of May, 1911,
~~Ordered~~, That permission be and is hereby given the Baltimore and Ohio Railroad to publish and file on one day's notice to the Commission and the public, a supplement to said tariff P. S. C., Md., 201, establishing the minimum weight for steel hopper cars, marked capacity 110,000 pounds, at 100,000 pounds.

PROVIDED, That the petitioner issue and file a supplement as aforesaid to said tariff P. S. C., Md., No. 201, noting said change in minimum weight requirement for steel hopper cars within ten days from the issuance of this order and that said supplement be published by posting as required by law and that all copies of said supplement shall bear the following notation:

"Issued under special permission of the Public Service
Commission, Order No. 284, of May 29th, 1911."

ORDER No. 286

In the matter of

The Petition of the MARYLAND ELECTRIC RAILWAYS COMPANY and THE UNITED RAILWAYS AND ELECTRIC COMPANY OF BALTIMORE for the Approval by the Commission of Their Acceptance of Ordinance No. 660 of the Mayor and City Council of Baltimore, Approved April 10, 1911, Granting to the Maryland Electric Railways Company the Right to Construct, Maintain and Operate Double Electric Railway Tracks, with the Necessary Switches, Curves, Special Work, Poles, Overhead Wires and Overhead Construction, and to Operate and Maintain an Electric Railway Thereon, upon the Bed of Fremont Avenue and Hamburg Street, to Connect with the Present Tracks of the Said Railway Company at Fremont Avenue and Ridgely Street, and with Any or All of the Lines of The United Railways and Electric Company of Baltimore or Intersecting Streets.

Before the Public
Service Commis-
sion of Maryland.

Case No. 153.

Upon the application of the Maryland Electric Railways Company and The United Railways and Electric Company of Baltimore, and hearing after due notice given, said application and accompanying exhibits having been read and considered, it is thereupon this first day of June, in the year 1911,

Ordered, By the Public Service Commission of Maryland, that the permission and approval of this Commission is hereby given to the exercise by the Maryland Electric Railways Company and The United Railways and Electric Company of Baltimore as its lessee, of the franchise granted to said corporation by the Mayor and City Council of Baltimore by Ordinance

No. 660, approved April 10, 1911, and therein set forth as follows:

"To lay down, construct, maintain and operate double electric railway tracks, with all the necessary poles, overhead trolley wires, feed wires, and overhead construction upon the bed of Fremont avenue, and to connect with the present track now owned by said company at Fremont avenue and Ridgely street, and thence along Fremont avenue to Hamburg street, then along Hamburg street, and over the crossing of the Baltimore and Ohio Railroad Company on Hamburg street to Charles street; and the said company is hereby further authorized and empowered to connect with the tracks and construction hereby authorized, by all necessary curves, switches and appurtenances, its tracks on Fremont avenue, and with any or all of the lines of The United Railways and Electric Company of Baltimore or intersecting streets, and to run, on the aforesaid tracks, cars to be propelled by electricity supplied by overhead wires, or by the storage system, or by any improved system which may be approved by the Mayor and City Engineer."

This Commission having determined, after due hearing, that the exercise of such franchise, under the terms and conditions of the grant, is convenient for the public service.

ORDER No. 287

In the matter of	} Before the Public Service Commis- sion of Maryland.
MAYOR AND COUNCIL OF EASTON	
<i>vs.</i>	
EASTON LIGHT AND FUEL COMPANY.	} Case No. 66.

WHEREAS, The Chief Engineer of the Commission has made a report, under date of May 31, 1911, of the condition of the

plant and property of the Easton Light and Fuel Company, and has made certain recommendations in relation thereto, whereby the same may be placed in a state of greater efficiency to supply safe and adequate service, as required by law, and

WHEREAS, The Commission has approved said report and the recommendations therein contained, which consist largely of matters and things heretofore ordered to be done and which said Easton Light and Fuel Company has so far failed to do, although ample time has been afforded for doing the same;

It is therefore, this fifth day of June, 1911,

~~Ordered~~, By the Public Service Commission of Maryland,

1. That a copy of said report of the Chief Engineer be sent, with a copy of this order, to said Easton Light and Fuel Company.

2. That said Easton Light and Fuel Company proceed forthwith to make the following additions and repairs to its plant and properties in the town of Easton, namely,

(a) The installation of a dry scrubber to improve the quality of the gas.

(b) The covering of the steam pipes and the introduction of a steam separator at the point of connection with the generator.

(c) Installation of an oil motor to register the rate of flow of oil admitted to the carburetter.

(d) Installation of Piller cocks for making stain tests on top of superheater and outlet of wet scrubber.

(e) Siphon gauge for indicating blast pressure.

(f) Calibrated steam cock for controlling and regulating the admission of steam into the generator, together with a steam gauge located near it to register actual steam pressure at the cock.

(g) Provision for calibrating the jet photometer.

(h) Facilities for making stain and other continuous tests of the gas when and as it is manufactured.

(i) Installation of a suitable pump for pumping tar and condensation from the drip pots in the main system, together with a suitable receptacle for receiving the pumpage from the drip pots.

In order to insure prompt compliance with the foregoing, said company shall, within ten days after the receipt of this order, notify the Commission in writing whether the above terms of this order are accepted and will be obeyed, when, in the event of acceptance and tender of compliance, an Inspector of the Commission will be directed to be present and superintend the making of said additions and repairs and when the same are completed said company shall make a full and detailed report to the Commission.

It is FURTHER ~~Ordered~~, That said company shall, as soon as practicable and not more than thirty days after the date of this order:

1. Install on the gas main leaving the holder a suitable drip pot for collecting the tar and condensation from the pipe; and that this drip pot, together with the others now connected to the piping system, be pumped out at intervals of not more than two weeks until it may be determined what are the proper intervals for pumping required at each particular location where there is a drip pot or where they may be required.

2. Submit to the Commission a comprehensive plan covering adequate repairs necessary to put the gas making machine now in use in condition for the proper manufacture of gas.

And said company shall, within ten days after the receipt of this order, notify the Commission whether the terms of this order, as to paragraphs 1 and 2 above, are accepted and will be obeyed.

OPINION.

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 155.
The Complaint of the PETERS CARRIAGE AND WAGON WORKS		
vs.		
CONSOLIDATED GAS ELECTRIC LIGHT AND POWER COMPANY OF BALTIMORE.		

Hearing, June 6, 1911. Decided, June 6, 1911.

CHARLES H. T. PETERS for Peters Carriage and Wagon Works.
HERBERT A. WAGNER (Vice-President), for Consolidated Gas
Electric Light and Power Company.

LAIRD, Commissioner.

The Peters Carriage and Wagon Works, doing business on Ensor street, in the City of Baltimore, has been for some years past a customer of the Consolidated Gas Electric Light and Power Company, from which it obtained the power necessary to run the machinery in its factory.

The essential facts, as brought out at the hearing, are as follows:

At the present time and for several years past, the service has been supplied by alternating current with overhead connection, the gas company carrying the wires to the carriage works, while the cost of all interior wiring and motors was borne by the carriage works. This service has been satisfactory to the customer.

On the 9th day of February, 1911, the municipal authorities of the City of Baltimore, in pursuance of an ordinance of the Mayor and City Council, ordered the removal of all poles and overhead wires on Ensor street within a given period, and this order compelled the company to put in underground mains and services. In such changes from overhead to underground service, the universal custom of the company is to run a new

service to the customer's cellar or basement, and notify the customer to connect his inside wiring to the new service, that being a part of the necessary expense which the customer is required under the rules of the company, to bear. This notice was sent to the complainant under date of March 8, 1911.

It appears that the new underground system on Ensor street is to form part of the company's general underground house-to-house distribution system, which is a direct current system, and necessitated the substitution of direct current motors for the alternating current motors now installed upon complainant's premises, and the expense of the new motors the company proposed to bear. The cost of the wiring necessary to connect up the new system, and which the complainant was expected to pay, is about fifty dollars.

It is this item of fifty dollars that the complainant protests against, his contention being that as he has already borne the expense of wiring to connect the overhead service, it is unjust to saddle upon him the cost of new wiring to be done at the instance of the company. He does not object to the installation of the direct current motors, except in so far as it entails this expense upon him, and stated that if the direct current had been installed in the first instance he would have made the necessary connections without question. The fact was stated by the vice-president of the company, and not disputed by complainant, that the wiring to connect the underground direct current system in the first instance would have cost at least fifty dollars more than was expended to connect the overhead system, so that the expense to the complainant when the new system is installed will not be greater than if the direct current had been installed originally.

The change from overhead to underground service will entail considerable expense upon the company, and was not sought by it, but is made in obedience to the mandate of the city. Whatever contract may have existed between complainant and the company as to the alternating current, was abrogated by the city ordinance. It is therefore a simple matter of justice between the parties, and in view of the fact that more than nineteen hundred customers have paid this extra cost in similar cases, and it seems only fair that they should do so as an

original proposition, inasmuch as the company is acting under the compulsion of law, we think it is only right that complainant should be treated in all respects as other customers have been treated, and that the complaint should be dismissed.

It is proper to add, that after the facts were brought out at the hearing and the discussion of all the phases of the case, the complainant acquiesced in the finding of the Commission. We should not have felt called upon, under the circumstances, to file a formal opinion, but for the fact that similar cases may be presented in the future and it was deemed advisable, in this first one, to make a rule to govern complainants of this kind.

An order dismissing the complaint will be filed.

ORDER No. 289

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 155.
THE PETERS CARRIAGE AND WAGON WORKS		
<i>vs.</i>		
THE CONSOLIDATED GAS ELECTRIC LIGHT AND POWER COMPANY OF BALTIMORE.		

In accordance with the opinion filed in this case, it is

~~Ordered~~, This 6th day of June, 1911, that the complaint of the Peters Carriage and Wagon Works against the Consolidated Gas Electric Light and Power Company of Baltimore be, and the same is hereby dismissed.

ORDER No. 290

In the matter of

The Petition of the BALTIMORE AND OHIO RAILROAD COMPANY for Permission to File and Publish, Effective on Less than Statutory Notice, a Tariff Establishing a Rate of \$1 per 2,000 Pounds on Phosphate Rock, Carloads, from Curtis Bay, Md., to Frederick, Md.

Before the Public Service Commission of Maryland.

Case No. 160.

The above named petition having been received and filed, upon due consideration thereof it is this seventh day of June, 1911,

Ordered, That permission be, and it is hereby given the Baltimore and Ohio Railroad Company to publish and file a rate of \$1.00 per 2,000 lbs. on phosphate rock, carloads, from Curtis Bay, Maryland, to Frederick, Maryland, effective on one day's notice to the public and the Commission.

PROVIDED, That the petitioner issue and file a tariff or a supplement to an existing tariff, establishing a rate of \$1.00 per 2,000 lbs. on phosphate rock, carloads, from Curtis Bay, Maryland, to Frederick, Maryland, as aforesaid, within ten days from the issuance of this order, and that said tariff or supplement be published by posting as required by law and that all copies of said tariff or supplement shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 290, of June 7th, 1911."

ORDER No. 294

In the matter of

The Petition of the BALTIMORE AND OHIO RAILROAD COMPANY for Permission to File and Publish, Effective on Less than Statutory Notice, a Tariff Establishing a Rate of \$7 per Car on Bulk Fertilizer, Carloads, from Curtis Bay, Md., to Rasin, Md.

Before the Public Service Commission of Maryland.

Case No. 163.

The above mentioned petition having been received and filed, upon due consideration thereof, it is this 12th day of June, 1911,

Ordered, That permission be, and it is hereby given to the Baltimore and Ohio Railroad Company to file and publish a rate of \$7.00 per car on bulk fertilizer, carloads, from Curtis Bay, Maryland, to Rasin, Maryland, effective on one day's notice to the public and the Commission.

PROVIDED, That the petitioner issue and file a tariff or a supplement to an existing tariff, establishing a rate of \$7.00 per car on bulk fertilizer, carloads, from Curtis Bay, Maryland, to Rasin, Maryland, as aforesaid, within ten days from the issuance of this order and that said tariff or supplement be published by posting as required by law and that all copies of said tariff or supplement shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 294, of June 12, 1911."

ORDER No. 296

In the matter of
The Appraisal, Distribution and Appor-
tionment of Fixed Capital by Elec-
trical Corporations.

} Before the Public
Service Commis-
sion of Maryland.

This matter being under consideration, it is this twelfth day of June, 1911,

Ordered, 1. Every electrical corporation shall make a distribution of its fixed capital, as of June 30th, 1911, and apportion the same according to the classification submitted by the statistician of the Commission for expenditures for the plant, equipment and other property of electrical corporations, and shall make report to the Public Service Commission of such distribution of its fixed capital not later than September 30th, 1911.

2. The regulations as contained in Circular No. 26A prescribing the classification and manner of distribution of the fixed capital of electrical corporations, as submitted by the statistician of the Commission, are hereby adopted, and the secretary is directed to file a copy thereof among the records of the Commission, and to serve a copy thereof and of this order on each and every electrical corporation under the jurisdiction of the Commission.

FURTHER Ordered, That each and every corporation affected by this order notify the Commission within five (5) days from the receipt of such copy whether this order is accepted, and will be obeyed.

ORDER No. 297

In the matter of
The Appraisal, Distribution and Appor-
tionment of Fixed Capital by Street
and Electric Railroad Corporations. } Before the Public
Service Commis-
sion of Maryland.

This matter being under consideration, it is, this 12th day of June, 1911,

Ordered, 1. Every street and electric railroad corporation shall make a distribution of its fixed capital, as of June 30, 1911, and apportion the same according to the classification submitted by the statistician of the Commission for expenditures for the plant, equipment and other property of street and electric railroad corporations, and shall make report to the Public Service Commission of such distribution of its fixed capital not later than September 30th, 1911.

2. The regulations as contained in Circular No. 27A, prescribing the classification and manner of distribution of the fixed capital of street and electric railroad corporations, as submitted by the statistician of the Commission, are hereby adopted, and the Secretary is directed to file a copy thereof among the records of the Commission, and to serve a copy thereof and of this order on each and every street and electric railroad corporation under the jurisdiction of the Commission.

FURTHER Ordered, That each and every corporation affected by this order notify the Commission within five (5) days from the receipt of such copy whether this order is accepted and will be obeyed.

ORDER No. 298

In the matter of
The Appraisal, Distribution and Appor-
tionment of Fixed Capital by Gas Cor-
porations. } Before the Public
Service Commis-
sion of Maryland.

This matter being under consideration, it is this twelfth day of June, 1911,

~~Ordered~~, 1. Every gas corporation shall make a distribu-
tion of its fixed capital, as of June 30th, 1911, and apportion
the same according to the classification submitted by the stat-
istician of the Commission for expenditures for the plant,
equipment and other property of gas corporations, and shall
make report to the Public Service Commission of such distribu-
tion of its fixed capital not later than September 30th, 1911.

2. The regulations as contained in Circular No. 28A pre-
scribing the classification and manner of distribution of the
fixed capital of gas corporations, as submitted by the statis-
tician of the Commission, are hereby adopted, and the secre-
tary is directed to file a copy thereof among the records of the
Commission, and to serve a copy thereof and of this order on
each and every gas corporation under the jurisdiction of the
Commission.

FURTHER ~~Ordered~~, That each and every corporation affected
by this order, notify the Commission within five (5) days from
the receipt of such copy whether this order is accepted, and
will be obeyed.

ORDER No. 299

In the matter of
The Appraisal, Distribution and Appor-
tionment of Fixed Capital by Tele-
phone Corporations. } Before the Public
Service Commis-
sion of Maryland.

This matter being under consideration, it is, this 12th day
of June, 1911,

Ordered, 1. Every telephone corporation shall make a distribution of its fixed capital, as of June 30th, 1911, and apportion the same according to the classification submitted by the statistician of the Commission for expenditures for the plant, equipment and other property of telephone corporations, and shall make report to the Public Service Commission of such distribution of its fixed capital not later than September 30th, 1911.

2. The regulations as contained in Circular No. 29A, prescribing the classification and manner of distribution of the fixed capital of telephone corporations, as submitted by the statistician of the Commission, are hereby adopted, and the Secretary is directed to file a copy thereof among the records of the Commission, and to serve a copy thereof and of this order on each and every telephone corporation under the jurisdiction of the Commission.

FURTHER Ordered, That each and every corporation affected by this order notify the Commission within five (5) days from the receipt of such copy whether this order is accepted and will be obeyed.

ORDER No. 300

In the matter of	} Before the Public Service Commis- sion of Maryland.
A Uniform System of Accounts for Elec- trical Corporations.	

The matter of prescribing a uniform method of keeping accounts by electrical corporations under the jurisdiction of the Commission being under consideration, and this Commission being authorized by Section 31¾ of the Public Service Commission Law to prescribe uniform methods of keeping accounts, records and books, to be observed by all electrical corporations engaged in the generation, sale and distribution of electricity for light, heat or power, and it appearing advisable to establish at this time a uniform system of accounts for such corporations it is this 12th day of June, 1911,

~~Ordered~~, 1. That the regulations prescribing a uniform system of accounts for electrical corporations as submitted by the statistician of the Commission, and embodied in Circular No. 30-A and designated therein respectively as "Schedule A" and "Schedule B" be and the same are hereby adopted, and the Secretary is directed to file a copy of same among the records of the Commission.

2. On and after July 1, 1911, every electrical corporation engaged in the manufacture, sale and distribution of electricity, and every electrical corporation not engaged in operation, shall keep upon its books the accounts prescribed or defined in "Schedule A" so far as the said accounts are pertinent to the facts and circumstances of the said corporation. The term electrical corporation is used herein in the sense defined in the Public Service Commission Law.

3. On and after the date of service of this order on any such electrical corporation such corporation shall not charge to any account representing cost of property any discount or commission on securities issued by the said corporation, but shall charge all such discounts, commissions, and other expenses connected with the issue of securities subsequent to the said date of service, in accordance with the directions contained in the definitions of the account named "organization," and the account named "Unextinguished Discount on Securities," in the said "Schedule A,"

4. On and after July 1, 1911, every such electrical corporation shall keep upon its books the accounts prescribed or defined in the schedule marked "Schedule B," so far as the same are pertinent to the facts and circumstances of the said corporation.

5. On and after July 1, 1911, any such electrical corporation may keep upon its books the accounts prescribed or defined in the standard classification of accounts for electric light and power companies adopted by the National Electric Light Association, 1910, so far as the same are pertinent to the facts and circumstances of said corporation, in lieu of the accounts prescribed or defined in the schedules marked "A" and "B;" provided, however, that there be filed with the Public Service Commission a statement containing a list of said accounts and

the definitions thereof; provided, further, that nothing herein shall contravene the provisions of paragraph 2 with reference to the account named "Organization" and the account named "Unextinguished Discount on Securities" set forth in the said "Schedule A," nor with the account named "Depreciation of Plant" as specified in the said "Schedule B;" and provided further, that every such electrical corporation may also keep upon its books any other or additional accounts prescribed or defined in the said "Schedule A" or "Schedule B;" but no change shall be made in the primary accounts prescribed in either of said schedules.

6. For the purpose of improving the efficiency of administration and operation, any such electrical corporation may, unless or until otherwise ordered, keep upon its books any temporary or experimental accounts or any account covering particular divisions of its operations, but no change shall be made in the primary accounts prescribed in either "Schedule A" or "Schedule B," or in the accounts prescribed in the standard classification of accounts for electric light and power companies adopted by the National Electric Light Association, 1910, without the assent of the Public Service Commission being first obtained.

7. All notices herein required to be filed covering accounts shall be upon sheets 8½ inches by 11 inches in size and shall be entitled in the name of the corporation filing said notices, followed by a brief statement of the character of the accounts covered by the notice.

FURTHER Ordered, That a copy of this order, and of the regulations herein prescribed be served on each and every corporation affected thereby, and that each and every such corporation notify the Commission within five (5) days from the receipt thereof, whether the terms of this order are accepted and will be obeyed.

ORDER No. 301

In the matter of
A Uniform System of Accounts for Street
and Electric Railroad Corporations. } Before the Public
Service Commis-
sion of Maryland.

This Commission being authorized by Section 25 of the Public Service Commission Law, whenever it deems advisable, to establish a system of accounts to be used by street railroad corporations and to prescribe the manner in which such accounts shall be kept, and it appearing advisable at this time to establish a uniform system of accounts for all such street railroad corporations and for all such railroad corporations owning, controlling or operating any railroad on which electric energy is used as the principal power for the propulsion of cars, the last described corporations being hereinafter called electric railroad corporations, it is hereby, this twelfth day of June, 1911,

Ordered, 1. That the regulations prescribing a uniform system of accounts for street and electric railroad corporations, as submitted by the statistician of the Commission, and embodied in Circular No. 31A, and designated therein respectively as "Schedule A," "Schedule B," and "Schedule C," be and the same are hereby adopted, and the secretary is directed to file a copy of the same among the records of the Commission.

2. On and after July 1, 1911, except as hereinafter provided, every such street railroad corporation and every such electric railroad corporation shall keep upon its books the accounts prescribed or defined in the hereto annexed schedule marked "Schedule A," so far as the said accounts are pertinent to the facts and circumstances of the said corporation.

3. No electric railroad corporation and no street railroad corporation shall hereafter charge to any account representing cost of property any discount or commission on securities issued by the said corporation, but shall charge all such discounts, commissions and other expenses connected with the issue of securities subsequent thereto in accordance with the directions contained in the definitions of the account named

“Unextinguished Discount on Securities” in the said “Schedule A.”

4. On and after July 1, 1911, every said electric railroad corporation and every said street railroad corporation shall keep upon its books the accounts prescribed or defined in the schedule marked “Schedule B,” so far as the same are pertinent to the facts and circumstances of the said corporation.

5. During the year beginning July 1, 1911, any said corporation may for purposes of comparison with prior years keep on its books in addition to the accounts herein prescribed any account pertaining to revenues, revenue deductions, income deductions, and appropriations (as defined in the said “Schedule B”), which it had on its books during the year beginning July 1, 1910; provided that on or before January 1, 1912, there be filed with the Public Service Commission a statement containing a list of the said accounts pertaining to the year begun July 1, 1910, and definitions of such accounts. Where any such account kept during the year begun July 1, 1910, is kept strictly in conformity with the “Uniform System of Accounts” as prescribed by the Interstate Commerce Commission, under date of June 1, 1908, a statement of that fact in connection with the name of such account will serve as a sufficient definition of the said account.

6. For purposes of improving the efficiency of administration and operation, any such corporation may, unless or until otherwise ordered, keep upon its books any temporary or experimental accounts and any accounts covering particular divisions of its operations, but no change shall be made in the accounts prescribed in either “Schedule A” or “Schedule B,” or the subdivisions thereof, without the assent of the Public Service Commission being first obtained.

7. On and after July 1, 1911, each said corporation engaged in the operation of any street or electric railroad shall keep on its books the statistical accounts prescribed or defined in the schedule marked “Schedule C.”

FURTHER ORDERED, That a copy of this order and of the regulations herein prescribed be served on each and every corporation affected thereby, and that each and every such corporation notify the Commission within five (5) days from the

receipt thereof whether the terms of this order are accepted and will be obeyed.

ORDER No. 302

In the matter of	}	Before the Public Service Commis- sion of Maryland.
A Uniform System of Accounts for Gas		
Corporations.		

The matter of prescribing a uniform method of keeping accounts by gas corporations under the jurisdiction of the Commission being under consideration, and this Commission being authorized by Section 31 $\frac{3}{4}$ of the Public Service Commission Law to prescribe methods of keeping accounts, records and books, to be observed by all gas corporations engaged in the manufacture, sale and distribution of gas for light, heat or power, and it appearing advisable to establish at this time a uniform system of accounts for such corporations, it is, this 12th day of June, 1911,

Ordered, 1. That the regulations prescribing a uniform system of accounts for gas corporations, as submitted by the statistician of the Commission, and embodied in Circular No. 32-A and designated therein respectively as "Schedule A" and "Schedule B" be and the same are hereby adopted, and the Secretary is directed to file a copy of same among the records of the Commission.

2. On and after July 1, 1911, every gas corporation engaged in the manufacture, sale and distribution of gas, and every gas corporation not engaged in operation, shall keep upon its books the accounts prescribed or defined in "Schedule A" so far as the said accounts are pertinent to the facts and circumstances of the said corporation. The term gas corporation is used herein in the sense defined in the Public Service Commission Law.

3. On and after the date of service of this order on any such gas corporation, such corporation shall not charge to any account representing cost of property any discount or commis-

sion on securities issued by the said corporation, but shall charge all such discounts, commissions, and other expenses connected with the issue of securities subsequent to the said date of service, in accordance with the directions contained in the definitions, of the account named "Organization," and the account named "Unextinguished Discount on Securities," in the said "Schedule A."

4. On and after July 1, 1911, every such corporation shall keep upon its books the accounts prescribed or defined in the schedule marked "Schedule B," so far as the same are pertinent to the facts and circumstances of the said corporation.

5. On and after July 1, 1911, any such gas corporation may keep upon its books the accounts prescribed or defined in the uniform system of accounts for gas companies adopted by the American Gas Light Association on October 15, 1902, so far as the same are pertinent to the facts and circumstances of said corporation, in lieu of the accounts prescribed or defined in the schedules marked "A" and "B;" provided, however, that there be filed with the Public Service Commission a statement containing a list of said accounts and the definitions thereof; provided further, that nothing herein shall contravene the provisions of paragraph 2 with reference to the account named "Organization" and the account named "Unextinguished Discount on Securities" set forth in the said "Schedule A," nor with the account named "Depreciation of Plant" as specified in the said "Schedule B;" and provided further, that every such gas corporation may also keep upon its books any other or additional accounts prescribed or defined in the said "Schedule A" or "Schedule B;" but no change shall be made in the primary accounts prescribed in either of said schedules.

6. For the purpose of improving the efficiency of administration and operation, any corporation may, unless or until otherwise ordered, keep upon its books any temporary or experimental accounts and any accounts covering particular divisions of its operations, but no change shall be made in the primary accounts prescribed in either "Schedule A" or "Schedule B" or in the accounts prescribed in the uniform system of accounts for gas companies adopted by the American Gas Light Associa-

tion on October 15, 1902, without the assent of the Public Service Commission being first obtained.

7. All notices herein required to be filed covering accounts shall be upon sheets 8½ inches by 11 inches in size, and shall be entitled in the name of the corporation filing said notices, followed by a brief statement of the character of the accounts covered by the notice.

FURTHER Ordered, That a copy of this order, and of the regulations herein prescribed be served on each and every corporation affected thereby, and that each and every such corporation notify the Commission within five (5) days from the receipt thereof, whether the terms of this order are accepted and will be obeyed.

ORDER No. 303

In the matter of	}	Before the Public Service Commis- sion of Maryland.
A Uniform System of Accounts for Tele- phone and Telegraph Corporations.		

The matter of prescribing a uniform method of keeping accounts by telephone and telegraph corporations under the jurisdiction of the Commission being under consideration, and this Commission being authorized by the Public Service Commission Law to prescribe uniform methods of keeping accounts, records and books, to be observed by all telephone and telegraph corporations operating and doing business in the State of Maryland, and it appearing advisable to establish at this time a uniform system of accounts for such corporations, it is, this 12th day of June, 1911,

Ordered, 1. That the regulations prescribing a uniform system of accounts for telephone and telegraph corporations, as submitted by the statistician of the Commission, and embodied in Circular No. 33A, and designated therein respectively as "Schedule A" and "Schedule B," be, and the same are, hereby adopted, and the Secretary is directed to file a copy of same among the records of the Commission.

2. On and after July 1, 1911, every telephone and telegraph corporation operating and doing business in the State of Maryland, and every telephone and telegraph corporation not engaged in operation, shall keep upon its books the accounts prescribed or defined in "Schedule A," so far as the said accounts are pertinent to the facts and circumstances of the said corporations. The term telephone or telegraph corporation is used herein in the sense defined in the Public Service Commission Law.

3. On and after the date of service of this order on any such telephone or telegraph corporation, such corporation shall not charge to any account representing cost of property any discount or commission on securities issued by the said corporation, but shall charge all such discounts, commissions and other expense connected with the issue of securities subsequent to the said date of service, in accordance with the directions contained in the definitions of the account named "Organization," and the account named "Unextinguished Discount on Securities," in the said "Schedule A."

4. On and after July 1, 1911, every such telephone or telegraph corporation shall keep upon its books the accounts prescribed or defined in the schedule marked "Schedule B," so far as the same are pertinent to the facts and circumstances of the said corporation.

5. During the year beginning July 1, 1911, any said corporation may, for purposes of comparison with prior years, keep on its books any account pertaining to revenues, revenue deductions, income deductions, and appropriations (as defined in the said "Schedule B") which it had on its books during the year beginning July 1, 1910; provided that on or before June 30, 1911, there be filed with the Public Service Commission a statement containing a list of the said accounts pertaining to the year begun July 1, 1910, and definitions of such accounts.

6. For purposes of improving the efficiency of administration and operation, any corporation may, unless or until otherwise ordered, keep upon its books any temporary or experimental accounts and any accounts covering particular divisions of its operations, but no change shall be made in the accounts prescribed in either "Schedule A" or "Schedule B," or the subdi-

visions thereof, without the assent of the Public Service Commission being first obtained.

7. All notices herein required to be filed covering accounts shall be upon sheets 8½ by 11 inches in size, and shall be entitled in the name of the corporation filing said notices, followed by a brief statement of the character of the accounts covered by the notice.

FURTHER Ordered, That a copy of this order and of the regulations herein prescribed be served on each and every corporation affected thereby, and that each and every such corporation notify the Commission within five (5) days from the receipt thereof whether the terms of this order are accepted and will be obeyed.

ORDER No. 306

In the matter of	}	Before the Public Service Commis- sion of Maryland.
Annual Reports of Express Companies,		
under Section 21 of the Public Service		
Commission Law.		

This matter being under consideration, it is this 16th day of June, 1911,

Ordered, 1. That form 31A, being the form prepared and furnished by the United States Interstate Commerce Commission for the purpose, be and the same is hereby adopted as the form on which shall be submitted to the Commission, the Annual Reports of Express Companies.

2. That the secretary of the Commission be, and he is hereby directed to file a copy of said form 31A, among the records of the Commission, and he shall annually, before June 30th of each and every year, forward to each and every express company affected by this order, a circular letter notifying them of the requirement for Annual Reports under the provisions of Section 21 of the Public Service Commission Law, and enclosing blank form prescribed by the Commission for the purpose, on which are to be submitted the annual reports of said companies, and directing said companies to notify the Commission of the receipt of said forms.

ORDER No. 307

In the matter of

The Petition of the WASHINGTON, BALTIMORE AND ANNAPOLIS ELECTRIC RAILROAD COMPANY for Permission to File and Publish, on Less than Statutory Notice, a Rate on Milk from Crownsville, Md., to Annapolis, Md.

Before the Public Service Commission of Maryland.

Case No. 166.

The above mentioned petition having been received and filed, upon consideration thereof it is this 17th day of June, 1911,

Ordered, That permission be, and it is hereby given to the Washington, Baltimore and Annapolis Electric Railroad Company to file and publish a rate of 2 cents per gallon on milk, from Crownsville, Maryland, to Annapolis, Maryland, with a minimum charge per shipment of 25 cents, effective on five days' notice to the Commission and the public.

PROVIDED, That the petitioner issue and file a tariff or a supplement to an existing tariff, establishing a rate of 2 cents per gallon on milk from Crownsville, Maryland, to Annapolis, Maryland, as aforesaid, within ten days from the issuance of this order, and that said tariff or supplement be published by posting as required by law and that all copies of said tariff or supplement shall bear the following notation:

“Issued under special permission of the Public Service Commission, of Maryland, Order No. 307 of June 17th, 1911.”

ORDER No. 309

In the matter of
The Appraisal, Distribution and Appor-
tionment of Fixed Capital by Water
Companies. } Before the Public
Service Commis-
sion of Maryland.

This matter being under consideration, it is this nineteenth day of June, 1911,

Ordered, 1. Every water company shall make a distribution of its fixed capital, as of June 30, 1911, and shall apportion the same according to the classification submitted by the statistician of the Commission for expenditures for the plant, equipment and other property of water companies, and shall make report to the Public Service Commission of such distribution of its fixed capital not later than September 30th, 1911.

2. The regulations as contained in Circular No. 34A prescribing the classification and manner of distribution of the fixed capital of Water Companies, as submitted by the statistician of the Commission, are hereby adopted, and the secretary is directed to file a copy thereof among the records of the Commission, and to serve a copy thereof, and of this order on each and every water company under the jurisdiction of the Commission.

FURTHER Ordered, That each and every corporation affected by this order notify the Commission within five (5) days from the receipt of such copy whether this order is accepted and will be obeyed.

ORDER No. 310

In the matter of	}	Before the Public Service Commis- sion of Maryland.
A Uniform System of Accounts for Water		
Companies.		

The matter of prescribing a uniform method of keeping accounts by Water companies under the jurisdiction of the Commission being under consideration, and this Commission being authorized by Section 42 of the Public Service Commission Law to prescribe uniform methods of keeping accounts, records and books, to be observed by all water companies owning, operating, managing or controlling any plant or property, dam or water supply, canal or power station, distributing or selling for distribution, or selling or supplying for gain any water, and it appearing advisable to establish at this time a uniform system of accounts for such companies, it is, this nineteenth day of June, 1911,

Ordered, 1. That the regulations prescribing a uniform system of accounts for water companies, as submitted by the statistician of the Commission, and embodied in Circular No. 35A, and designated therein respectively as "Schedule A" and "Schedule B," be and the same are hereby adopted, and the secretary is directed to file a copy thereof among the records of the Commission.

2. On and after July 1, 1911, every water company engaged in the collecting, selling and distributing water, and every water company not engaged in operation, shall keep upon its books the accounts prescribed or defined in "Schedule A" so far as the said accounts are pertinent to the facts and circumstances of the said company. The term water company is used herein in the sense defined in the Public Service Commission Law.

3. On and after the date of service of this order on any such water company, such company shall not charge to any account representing cost of property any discount or commission on securities issued by the said company, but shall charge all such discounts, commissions, and other expense connected with the issue of securities subsequent to the said date of

service, in accordance with the directions contained in the definitions of the account named "Organization," and the account named "Unextinguished Discount on Securities," in the said "Schedule A."

4. On and after July 1, 1911, every such water company shall keep upon its books the accounts prescribed or defined in the schedule marked "Schedule B," so far as the same are pertinent to the facts and circumstances of the said company.

5. During the year beginning July 1, 1911, any said company may for purposes of comparison with prior years keep on its books any account pertaining to revenues, revenue deductions, income deductions, and appropriations (as defined in the said "Schedule B") which it had on its books during the year beginning July 1, 1910; provided that on or before June 30th. 1911, there be filed with the Public Service Commission a statement containing a list of the said accounts pertaining to the year begun July 1, 1910, and definitions of such accounts.

6. For purposes of improving the efficiency of administration and operation, any company may, unless or until otherwise ordered, keep upon its books any temporary or experimental accounts and any accounts covering particular divisions of its operations, but no change shall be made in the accounts prescribed in either "Schedule A" or "Schedule B," or the subdivisions thereof, without the assent of the Public Service Commission being first obtained.

7. All notices herein required to be filed covering accounts shall be kept upon sheets 8½ inches by 11 inches in size, and shall be entitled in the name of the company filing said notices, followed by a brief statement of the character of the accounts covered by the notice.

FURTHER Ordered, That a copy of this order and of the regulations herein prescribed be served on each and every corporation affected thereby, and that each and every such corporation notify the Commission within five (5) days from the receipt thereof whether the terms of this order are accepted and will be obeyed.

OPINION

In the matter of the	} Before the Public Service Commis- sion of Maryland.
Complaint of JOSEPH HOFFMAN JACOBS	
vs.	
CHESAPEAKE AND POTOMAC TELEPHONE Co.	} Case No. 158.
OF BALTIMORE CITY.	

Hearing, June 12, 1911. Decided June 19, 1911.

CHARLES H. CARTER for Chesapeake and Potomac Telephone Company.

JOSEPH HOFFMAN JACOBS and ELI H. HORWITZ for Complainant.

AMBLER, Chairman.

Mr. Joseph Hoffman Jacobs, a member of the Baltimore bar, complains that the Chesapeake and Potomac Telephone Company of Baltimore City required him to pay ten cents for telephoning from a booth in the lobby of Kernan's Hotel to his office, at the corner of St. Paul and Fayette streets, both points being within the city, when its published schedule shows a rate of five cents on local messages from any public pay station, and he asks that a stop be put to this practice. In its answer, the telephone company denies that it maintains the booth or booths in the lobby of Kernan's Hotel, or authorizes or is at all responsible for the charge of ten cents on local messages sent from the hotel. The proprietor of the hotel was not involved in the complaint, but, at the plaintiff's instance, the manager of the hotel was summoned as a witness and required to produce the contract between the hotel and the telephone company.

At the hearing it developed that the hotel is equipped with four trunk lines, about a hundred and fifty "stations" in different rooms, and three or four booths in the lobby, all connected with a switchboard in the office, which is operated by an employee of the hotel. The equipment, constituting what is known as a "private branch exchange," was installed by the

telephone company and rented to the hotel under a contract whereby the hotel agrees to pay a fixed rental and in addition a toll of three cents on all outgoing local messages and the regular rates on long distance messages. This appears to be in accordance with the charges for such equipment set forth in the defendant's schedule, and the renting covers the cost of all incoming messages. The "private branch exchange" is controlled by the hotel, which not only pays all expenses connected with its operation, including salaries of the operators, but fixes and collects all charges for the use of its facilities, including coins deposited in the slot boxes. The telephone company keeps a record of the outgoing messages and is paid for them at the rate of three cents each, according to the number shown by its monthly accounts, regardless of the amount that may have been collected by the hotel.

The manager of the hotel testified that the telephone service is intended solely for the hotel and its guests, and as far as possible its use by others is discouraged, as that frequently interferes with its primary purpose; that it is not a source of profit, but of considerable expense, as the excess of receipts above the amount paid to the telephone company is not sufficient to defray the cost of operation; that no charge is made for telephone communication between different parts of the building, which is accomplished without calling the main exchange of the telephone company, but there is posted in every bedroom and in each of the booths in the lobby a notice of the charge of ten cents on all messages going from the hotel. It was also shown that there are at least two public pay stations of the telephone company in the immediate neighborhood, each being within a hundred feet of the main entrance of the hotel, and there was no suggestion that the facilities thus afforded are not adequate for all requirements of the public.

The plaintiff says that a hotel is a public place and that the well-known sign of the bell and the words "public telephone" painted on the door of each of the booths in the lobby, amount to an assurance that these are ordinary pay stations and constitute an invitation to the public to become customers of the defendant on the terms stated in its published schedule; that he did not observe, and no one could be expected to look

for, a notice inside of the booth; and while he admits that when he called for the number of his office he was notified by the operator that he must put ten cents in the box before he could begin a conversation, and when he objected to the charge as excessive was answered, "we always charge ten cents for a message from the hotel," he says that he did not know that the answer came from the hotel office, and assumed that it came from the telephone company's exchange. He contends that by entering the booth and taking down the receiver, he had already become a customer of the defendant, entitled to service at the regular rates, and his rights as such could not be affected by what he calls the "secret agreement" between the hotel and the telephone company.

In our opinion this contention is not sound. As the telephone company had no control of the booth or of the service rendered by employees of the hotel, the plaintiff could not, by merely entering the booth and taking hold of the receiver, make himself a customer of the telephone company. Though the signs upon the doors may have been to some extent misleading, he cannot justly claim to have been misled to his prejudice when he was fully informed of the cost before he availed himself of the service or incurred any liability. If he objected to the amount demanded by the hotel, a single question and a very few steps would have taken him to one of the telephone company's pay stations.

We might content ourselves at this point with simply dismissing the complaint, but in the course of his testimony the manager of the hotel expressed a desire to comply with every requirement of the law and courteously requested advice or suggestions from the Commission. While we do not think that it can be necessary to mark every article of furniture in a hotel as intended especially for the comfort or convenience of its guests, we do think that if any part which the public is not expected to use freely bears a sign indicating that it is intended for the benefit of the public generally, that is likely to lead to some misunderstanding. We see no objection to the word "telephone" on the doors of the booths or to the "bell," which merely indicates the kind of telephones installed there; but if the hotel does not desire to engage regularly in the

business of furnishing "telephonic communication for hire" and so, possibly, bring itself within the definition of a "telephone company" as laid down by the Public Service Commission Law, we advise the elimination of the word "public" from the signs on the booths.

As the defendant was not, in our judgment, responsible for the plaintiff's grievance, we will sign an order dismissing the complaint.

ORDER No. 311

In the matter of

JOSEPH HOFFMAN JACOBS

vs.

CHESAPEAKE AND POTOMAC TELEPHONE
COMPANY.

} Before the Public
Service Commis-
sion of Maryland.

Case No. 158.

~~Ordered~~, This nineteenth day of June, 1911, that the complaint in the above entitled matter be, and the same is hereby dismissed.

ORDER No. 312

In the matter of

The Petition of the PENNSYLVANIA RAIL-
ROAD COMPANY for Permission to File
and Publish, Effective on Less than
Statutory Notice, Passenger Tariff P.
S. C. Md., No. 106, Superseding Passen-
ger Tariff P. S. C. Md., No. 102, for the
Purpose of Correcting Printer's Errors
in the Latter Tariff.

} Before the Public
Service Commis-
sion of Maryland.

Case No. 167.

The above-mentioned petition having been received and filed, upon consideration thereof it is, this twentieth day of June, 1911,

Ordered, That permission be, and it is hereby given to the Pennsylvania Railroad Company to file on five days' notice to the Commission and the public, passenger tariff P. S. C., Md., No. 106, containing fares and arrangements which will supersede and take the place of the fares and arrangements on like tariff from and to the same points which are set forth in tariff P. S. C., Md., No. 102, on file with the Commission.

PROVIDED, That the changes made in the said tariff for which permission is hereby given are for the purpose only of correcting printer's errors in said tariff P. S. C., Md., No. 102, and does not contain any other changes in fares or arrangements set forth in said tariff P. S. C., Md., No. 102.

PROVIDED FURTHER, That said tariff P. S. C., Md., No. 106, be filed within ten days from the issuance of this order, and that said tariff be published by posting as required by law and that all copies of said tariff shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 312, of June 20th, 1911."

ORDER No. 313

In the matter of

The petition of the Carriers Named in the Official Classification, by F. S. HOLBROOK, Their Agent, for Permission to File and Publish, Effective on Less than Statutory Notice, a Supplement to Official Classification No. 37, Postponing the Effective Date of Certain Items in Supplement No. 5.

Before the Public Service Commission of Maryland.

Case No. 168.

The above mentioned petition having been received and filed, and it appearing that the proposed amendments are made necessary by reason of an order of the Interstate Commerce Commission, it is, this 20th day of June, 1911,

~~Ordered~~, That permission be, and it is hereby, given to the carriers named in the official classification by F. S. Holbrook, their agent, to file and publish on one day's notice to the Commission and the public, a supplement to official classification No. 37, to be known as No. 8, to P. S. C. Md., O. C. No. 37, on file with the Commission, postponing the effective date of the following items in Supplement No. 5 until October 28th, 1911:
Page 9, item 6—

“Rule 15 (B).—No single package or small lot of freight of one class will be taken at less than 100 pounds at first-class rate, and in no case will the charge for a single consignment be less than 35 cents.”

Page 10, item 1—

“Rule 15 (C).—A small lot of freight of different classes will be taken at actual weight and at the class rate for each article, provided that the aggregate charge for the shipment shall be not less than 100 pounds at first-class rate, and in no case shall the charge for the entire consignment be less than 35 cents.”

PROVIDED, That said Supplement No. 8 be filed within ten days from the issuance of this order, and that said supplement be published by posting as required by law, and that all copies of said supplement shall bear the following notation:

“Issued under special permission of the Public Service Commission of Maryland, Order No. 313, of June 20th, 1911.”

OPINION.

In the matter of The Application of the FREDERICK RAIL- ROAD COMPANY for Permission and Ap- proval of the Exercise of Certain Fran- chises in Frederick City, and for Au- thority to Issue and Sell \$156,000 of First Mortgage Five per Cent. Gold Bonds to Provide Means for Paying for Extensions and Improvement of Its Facilities.	}	Before the Public Service Commis- sion of Maryland. Case No. 150.
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Hearing May 29th, 1911. Decided June 21st, 1911.

ROBERT P. GRAHAM for Applicant.

LAIRD, Commissioner.

This is an application of the Frederick Railroad Company asking that the Commission permit and approve the exercise by the corporation of the franchises granted to it by the Mayor and Aldermen of Frederick by ordinance approved February 15, 1911, and April 19, 1911, respectively; and also asking for authority to issue \$156,000.00 of the bonds secured by its mortgage to the Fidelity Trust Company, trustee, dated April 29, 1910, to pay for the extensions provided for in said ordinances and expenditures made on account of extensions heretofore authorized, as will be explained below.

In pursuance of its policy of extending its lines within the city of Frederick, the company obtained from the Mayor and Aldermen of Frederick ordinances approved February 15, 1911, and April 19, 1911, granting franchises to lay tracks and operate cars on South street from Carroll street to the city limits; on Carroll street southwardly from South street to the end of Carroll street; northerly from its present tracks on Fifth street across Fifth, Sixth and Seventh streets to connect with the plant of the Norris Iron Company; and on Market street, southerly from its tracks on South street to the city

limits. The line on South street is to be extended beyond the city limits, over private right of way to the works of the M. J. Grove Lime Company, and several spur tracks are to be laid to industrial establishments.

On December 12, 1910, the Commission authorized the issue of \$167,000.00 for the purposes specified in the petition and order passed in Case No. 63. The present application alleges that the estimates then submitted were too low and the actual expenditures exceeded the estimates by about \$17,000.00; that the city requirements as to paving were changed, entailing considerable expense not contemplated at the time of the application; and that, in view of the extensions now to be made it was deemed advisable to enlarge the plans for station, freight houses and terminal facilities to accommodate anticipated increase of traffic. The estimates for these purposes have been carefully checked by the Chief Engineer of the Commission, and its auditor has examined the books of the company, with the result that we are satisfied that the issue of bonds now applied for is necessary and proper. The proposed extensions should materially increase the revenues and those already made under previous orders of the Commission have, as appears from the testimony, justified the expectations of the managers of the company. They will also materially improve the service and convenience of the public.

We will, therefore, pass an order approving and permitting the exercise of the franchises and authorizing the issue of bonds, as prayed for in the application.

ORDER No. 314

In the matter of

The Application of the FREDERICK RAILROAD COMPANY for Permission and Approval of the Exercise of Certain Franchises in Frederick City and for Authority to Issue and Sell \$156,000 of First Mortgage Five per Cent. Gold Bonds to Provide Means for Paying for Extensions and Improvement of Its Facilities.

Before the Public
Service Commis-
sion of Maryland.

Case No. 150.

WHEREAS, The Frederick Railroad Company has applied for the permission and approval of the franchises granted to it by the Mayor and Aldermen of Frederick by ordinance approved February 15th, 1911, and April 19th, 1911, respectively, and hereinafter more fully set forth, and of the construction, completion, extension and improvement of its facilities, as in its application set forth; and has also asked the Commission to authorize it to issue one hundred and fifty-six (156) of its five per cent. fifty year gold bonds of the par value of \$156,000, as in its application set forth; and

WHEREAS, After due hearing and examination of the application and exhibits filed therewith, and the reports of the Chief Engineer and Auditor of the Commission, and the testimony filed in the proceedings, the Commission has determined that the exercise of said franchises and such construction are convenient for the public service, and is of the opinion that the use of the capital to be secured by the issue of said bonds is reasonably required for said purposes of said corporation;

It is thereupon, this 21st day of June, 1911,

Ordered, By the Public Service Commission;

1. That the permission and approval of the Commission are hereby granted to said Frederick Railroad Company to exercise the franchise granted to it by the Mayor and Aldermen of Frederick by Section 1 of said ordinance approved February 15, 1911, as follows:

"To lay and maintain a single track, standard gauge roadbed built of standard "T" rail, together with the necessary turnouts and crossings to erect and maintain trolley poles, feed wires, transmission wires and other necessary overhead equipment; to operate its cars and motors propelled by electricity along, through and over South Street from Carroll Street to the limits of Frederick City, and on Carroll Street south from South Street to the end of said Carroll Street, and to extend its tracks in a northerly direction from the intersection of its present tracks on Fifth Street across Fifth, Sixth and Seventh Streets to connect with the plant of the Norris Iron Company;"

and to the exercise of the franchise granted to it by Section 1 of said ordinance approved April 19th, 1911, as follows:

"To lay and maintain a single track, standard gauge roadbed, built of girder rails, on Market Street, together with the necessary "Y" connections with the tracks of said company to be laid on South Street in said city, and a street passing turnout not over one hundred feet in length clear at some point near Mt. Olivet Cemetery; to erect and maintain trolley poles, feed wires, transmission wires and other necessary equipment; to operate passenger cars propelled by electricity, on, over and through said portion of Market Street in Frederick City from the tracks to be laid on South Street in a southerly direction on South Market Street to the city limits;"

subject to the terms, conditions, restrictions and limitations in said ordinances contained and set forth.

2. That the Commission hereby permits and approves the extension of the track and overhead structures of said Frederick Railroad Company, through and over South street in Frederick City from Carroll street to the eastern limits of said

city, and thence to the works or plant of the M. J. Grove Lime Company; and from the intersection of its present track on Fifth street across Fifth, Sixth and Seventh streets to connect with the plant of the Norris Iron Company; and in South Market street from South street to the city limits, as prescribed in said ordinances.

3. That said Frederick Railroad Company is hereby authorized to issue and sell one hundred and fifty-six of its first mortgage, fifty-year, five per cent. gold bonds secured by the mortgage or deed of trust executed April 29, 1910, by said corporation to the Fidelity Trust Company of Maryland, at a price not less than ninety per centum of their face value, and yielding not less than \$140,400, to provide funds necessary for the acquisition of property, and the construction, completion, extension and improvement of its facilities, as set forth in said application; provided that said bonds shall be issued in accordance with the terms and conditions of said mortgage or deed of trust.

IT IS FURTHER ~~Ordered~~, That said Frederick Railroad Company shall report, (a) upon the sale for cash of the bonds authorized as aforesaid, or any part thereof, the fact of such sale or sales, the terms and conditions thereof, and the amount realized therefrom; (b) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, and the facts and circumstances as to the property acquired and the construction, completion, extension and improvement of its facilities, as in said application set forth; and that said reports be verified by affidavit.

ORDER No. 315

In the matter of

The Petition of THE UNITED RAILWAYS
AND ELECTRIC COMPANY OF BALTIMORE
for Permission and Approval of Its Ac-
ceptance of the Ordinance of the Mayor
and City Council of Baltimore, Ap-
proved May 15, 1911, and of the Use
and Exercise of the Rights and Fran-
chises Thereby Granted for the Con-
struction, Maintenance and Operation
of Double Electric Railway Tracks
upon the Bed of Harford Avenue, as
Widened or Intended to Be Widened.

Before the Public
Service Commis-
sion of Maryland.

Case No. 162.

Upon the petition of The United Railways and Electric Com-
pany of Baltimore, and hearing after due notice given (said
petition and accompanying exhibits having been read and con-
sidered), it is thereupon, this 21st day of June, 1911,

Ordered, By the Public Service Commission of Maryland,
that the permission and approval of this Commission are hereby
given to the acceptance by said corporation of the ordinance
of the Mayor and City Council of Baltimore, approved May 15,
1911, and to the exercise of the rights and franchises thereby
granted to said corporation, to wit:

"To lay down, construct, maintain and operate double elec-
tric railway tracks, and all necessary poles, wires and overhead
construction upon the bed of Harford avenue (Harford road)
as widened or intended to be widened, from the city limits to
North avenue, with the right to connect with its tracks on
North avenue and on Harford avenue to the south thereof; said
tracks to be located approximately as shown on the blue print
filed in the City Engineer's office and approved by the Chief
Engineer of the State Roads Commission; and to run on the
aforesaid tracks cars propelled by electricity supplied by over-
head wires or by the storage system, or by any improved system
which may be approved by the Mayor and City Engineer;" said

franchise to be exercised in accordance with the provisions of said ordinance in every particular, this Commission having determined, after due hearing, that the exercise of such franchise is convenient for the public service.

ORDER No. 318

In the matter of	}	Before the Public Service Commis- sion of Maryland.
Annual Reports to the Commission of		
Steamboat Companies, under Section		
21 of the Public Service Commission Law.		

This matter being under consideration, it is this 21st day of June, 1911,

Ordered, That in pursuance of the requirements of Section 21, of the Public Service Commission Law, and of the Commission's order No. 42, passed July 27th, 1910:

1. That every such company shall, on or before September 30th, 1911, make and file with the Commission a report in the form prescribed in said order No. 42, for the year ending June 30th, 1911.

2. That the secretary of the Commission serve upon each of the said companies a certified copy of this order.

3. That each of said corporations notify the Commission within five days of the receipt of a copy of this order, whether the said order is accepted and will be obeyed.

ORDER No. 319

In the matter of Annual Reports to the Commission of Refrigerating and Heating Companies.	}	Before the Public Service Commis- sion of Maryland.
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This matter being under consideration, it is this 21st day of June, 1911,

Ordered, That in pursuance of the requirements of Section 42 of the Public Service Commission Law, and of the Commission's order No. 125;

1. That every such corporation under the jurisdiction of the Commission shall, on or before September 30th, 1911, make and file with the Commission a report, in the form prescribed in Order No. 125, for the year ending June 30th, 1911.

2. That the secretary of the Commission serve upon each of the said corporations a certified copy of this order.

3. That each of said corporations notify the Commission within five days of the receipt of a copy of this order, whether the said order is accepted and will be obeyed.

ORDER No. 320

In the matter of Annual Reports to the Commission by Gas and Electric Companies.	}	Before the Public Service Commis- sion of Maryland.
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This matter being under consideration, it is, this 21st day of June, 1911,

Ordered, 1. That the forms submitted by the statistician of the Commission, and designated as Form No. 18A, be, and the same is hereby adopted as the form on which shall be submitted the Annual Reports of Gas and Electric Companies to the Commission, until otherwise ordered;

2. That the Secretary of the Commission be, and he is hereby directed to file a copy of said Form 18A, among the records

of the Commission, and he is hereby further directed to immediately notify all whom it may concern, by circular letter in conformity with Order No. 30, that reports must be made on the forms prescribed by the Commission within the time fixed by law, on blanks which he is hereby directed to furnish for the purpose.

3. That the Secretary is hereby further directed to notify all whom it may concern that the time limit fixed by law within which reports must be filed, will not be extended.

ORDER No. 321

In the matter of	}	Before the Public Service Commis- sion of Maryland.
Annual Reports to the Commission by		
Water Companies.		

This matter being under consideration, it is this 21st day of June, 1911,

Ordered, 1. That the forms submitted by the statistician of the Commission, and designated as Form No. 19A, be, and the same is hereby adopted as the form on which shall be submitted the annual reports of water companies to the Commission, until otherwise ordered;

2. That the secretary of the Commission be, and he is hereby directed to file a copy of said Form 19A, among the records of the Commission, and that he is hereby further directed to immediately notify all whom it may concern, by circular letter in conformity with Order No. 46, that reports must be made on the forms prescribed by the Commission within the time fixed by law, on blanks which he is hereby directed to furnish for the purpose.

3. That the secretary is hereby further directed to notify all whom it may concern that the time limit fixed by law within which reports must be filed, will not be extended.

ORDER No. 322

In the matter of
Annual Reports to the Commission by
Telephone and Telegraph Companies. } Before the Public
Service Commis-
sion of Maryland.

This matter being under consideration, it is, this 21st day of June, 1911,

~~Ordered~~, 1. That the forms submitted by the statistician of the Commission, and designated as Form No. 20A, be, and the same is hereby adopted as the form on which shall be submitted the Annual Reports of Telephone and Telegraph Companies to the Commission, until otherwise ordered;

2. That the Secretary of the Commission be, and he is hereby directed to file a copy of said Form 20A, among the records of the Commission, and that he is hereby further directed to immediately notify all whom it may concern, by circular letter in conformity with Order No. 46, that reports must be made on the forms prescribed by the Commission within the time fixed by law, on blanks which he is hereby directed to furnish for the purpose.

3. That the Secretary is hereby further directed to notify all whom it may concern that the time limit fixed by law within which reports must be filed, will not be extended.

ORDER No. 324

In the matter of

The Application of the WESTERN MARYLAND RAILWAY COMPANY for Authority to Issue \$4,114,000 of Bonds of the Western Maryland Railroad Company, for the Purpose of Refunding and Retiring \$3,250,000 First Mortgage Bonds of the West Virginia Central and Pittsburgh Railway Company, and \$650,000 First Mortgage Bonds of the Piedmont and Cumberland Railway Company.

Before the Public Service Commission of Maryland.

Case No. 165.

WHEREAS, The Western Maryland Railway Company has applied to the Public Service Commission of Maryland for authority to issue and sell first mortgage 4 per cent. bonds of the face value of \$4,114,000.00, secured by a certain mortgage of the Western Maryland Railroad Company to the Mercantile Trust Company, dated October 1, 1902, and a certain indenture supplemental to said first mortgage, dated November 1, 1905, being part of a total issue of \$50,000,000.00 therein provided for (of which \$42,518,000.00 are now issued and outstanding), the obligations, agreements and stipulations of which mortgage and supplemental indenture have been expressly adopted and assumed by said Western Maryland Railway Company; and

WHEREAS, Said Western Maryland Railway Company owns as parts of its lines the line formerly owned by the West Virginia Central and Pittsburgh Railway Company, upon which there is a first mortgage to secure \$3,250,000.00 six per cent. bonds which will mature July 1, 1911, and the line formerly owned by the Piedmont and Cumberland Railway Company, upon which there is a first mortgage to secure \$650,000 five per cent. bonds which will mature August 1, 1911; and

WHEREAS, By the terms of the aforesaid first mortgage of the Western Maryland Railroad Company it is provided that of the bonds authorized to be issued under and secured thereby a

certain amount shall be reserved to be executed, certified and delivered for the acquisition of a like amount of the outstanding bonds of the West Virginia Central and Pittsburg Railway Company and the Piedmont and Cumberland Railway Company, and by said supplemental indenture it is provided that the first mortgage bonds of West Virginia Central and Pittsburg Railway Company outstanding in the principal amount of \$3,250,000.00, maturing July 1, 1911, and the above mentioned bonds of the Piedmont and Cumberland Railway Company outstanding in the principal amount of \$650,000.00, maturing August 1, 1911, will not be extended at maturity but will be paid; and

WHEREAS, Said Western Maryland Railway Company now proposes to discharge the aforesaid indebtedness of the West Virginia Central and Pittsburg Railway Company and the Piedmont and Cumberland Railway Company, and has arranged for the sale of \$4,114,000.00 of said four per cent. bonds of the Western Maryland Railroad Company at the price of eighty-five per centum of their face value; and

WHEREAS, In the opinion of this Commission after due hearing, the use of the capital to be secured by the issue of the bonds as prayed for in the application is reasonably required for the said purposes of the applicant;

It is ~~Ordered~~, This 23rd day of June, 1911, by the Public Service Commission of Maryland, that the Western Maryland Railway Company be, and is hereby authorized to issue and sell first mortgage, four per cent. bonds reserved under the first mortgage of the Western Maryland Railroad Company, bearing date of October 1, 1902, in the par amount of \$3,900,000.00, and also to issue and sell \$214,000.00 of said bonds now held in the treasury of said Western Maryland Railway Company, at a price not less than eighty-five per centum (85 per cent.) of their face value and accrued interest, to provide funds for the purpose of discharging, refunding and retiring said first mortgage bonds of the West Virginia Central and Pittsburg Railway Company in the principal amount of \$3,250,000.00, and said first mortgage bonds of the Piedmont and Cumberland Railway Company in the principal amount of \$650,000.00.

IT IS FURTHER ~~Ordered~~, That said Western Maryland Railway Company shall, at the expiration of six months from the date of this order, and at the expiration of every period of six months thereafter, and at such other times as this Commission shall direct, until the whole fund is exhausted, report to this Commission in detail the amount realized from the sale or sales of said bonds, and the disposition of the proceeds thereof, said reports to be verified by affidavit.

ORDER No. 325

In the matter of	}	Before the Public Service Commis- sion of Maryland.
Annual Reports by Street and Electric Railroad, Corporations, under Section 21 of the Public Service Commission Law.		

The matter of annual reports of street and electric railroad corporations for the twelve months ending June 30th, 1911, being under consideration, it is this 26th day of June, 1911,

~~Ordered~~, That in accordance with Order No. 63, passed September 2nd, 1910, the secretary of the commission be, and is hereby directed to forward a circular letter to each and every street and electric railroad corporation under the jurisdiction of the Commission, notifying them of the requirement for annual reports under the provisions of Section 21 of the Public Service Commission Law and of the aforesaid order passed pursuant thereto, and enclosing blank form heretofore prescribed by the Commission for the purpose, on which are to be submitted the reports of said corporations for the twelve months ending June 30th, 1911, and directing said corporations to notify the Commission of the receipt of said forms.

ORDER No. 326

In the matter of
Annual Reports by Railroad Corpora-
tions, under Section 21 of the Public
Service Commission Law.

Before the Public
Service Commis-
sion of Maryland.

The matter of annual reports by railroad corporations for the twelve months ending June 30th, 1911, being under consideration, it is this 26th day of June, 1911,

Ordered, That in accordance with Order No. 63, passed September 2nd, 1910, the secretary of the Commission be, and is hereby directed to forward a circular letter to each and every railroad corporation under the jurisdiction of the Commission, notifying them of the requirement for annual reports under the provisions of Section 21 of the Public Service Commission Law and of the aforesaid order passed pursuant thereto, and enclosing blank forms heretofore prescribed by the Commission for the purpose, on which are to be submitted the reports of said corporations for the twelve months ending June 30th, 1911, and directing said corporations to notify the Commission of the receipt of said forms.

ORDER No. 329

In the matter of
The Complaint of DAVID BACHRACH
and Others
vs.
CONSOLIDATED GAS ELECTRIC LIGHT AND
POWER COMPANY OF BALTIMORE.

Before the Public
Service Commis-
sion of Maryland.

Case No. 175.

June 28th, 1911.

WHEREAS, In pursuance of Section 36 of the Public Service Commission Law, more than one hundred citizens of Baltimore City, customers and purchasers of electricity from the

Consolidated Gas Electric Light and Power Company of Baltimore, a corporation existing under the laws of the State of Maryland and operating and doing business in Baltimore City and elsewhere in said State, have complained to this Commission that the price of electricity sold and delivered in said city by said corporation is excessive, unjust, unreasonable and unreasonably preferential, and have requested this Commission to investigate the cause of such complaint:

THEREFORE RESOLVED, That the Public Service Commission of Maryland does hereby appoint Wednesday, the 19th day of July, 1911, at 10.30 o'clock A. M., as the date for a public hearing, at which time, and at such other dates as it may from time to time appoint, it will receive evidence, listen to arguments upon, and otherwise investigate the following matters:

1. Whether the prices demanded, enacted, charged or collected by said Consolidated Gas Electric Light and Power Company of Baltimore for electricity are unjust or unreasonable.

2. Whether such prices and charges above mentioned, or any of them, are unjustly discriminatory or unduly preferential, or in anywise in violation of law.

3. Whether this Commission should, pursuant to the powers conferred upon it by Section 37 and other provisions of the Public Service Commission Law, determine the just and reasonable prices, rates and charges to be hereafter observed and in force as the maximum to be charged, demanded, exacted and collected for the service and services rendered in supplying electricity by the said Consolidated Gas Electric Light and Power Company of Baltimore herein mentioned, shall be other than the prices, rates and charges therefor now charged, demanded, exacted and collected.

RESOLVED FURTHER, That a copy of the complaint herein be served upon said Consolidated Gas Electric Light and Power Company of Baltimore, and a certified copy of this resolution be served upon said company and upon David Bachrach representing himself and others, complainants herein.

OPINION.

<p>In the matter of</p> <p>The Application of the CHESAPEAKE AND POTOMAC TELEPHONE COMPANY for an Order Authorizing It to Purchase the Capital Stock of the Western Maryland Telephone Co. of Allegany County.</p>	}	<p>Before the Public Service Commis- sion of Maryland.</p> <p>Case No. 145.</p>
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Submitted, June 16, 1911. Decided, June 23, 1911.

BERNARD CARTER, for Chesapeake and Potomac Telephone Company.

JOHN HINKLEY, for Cumberland Valley Telephone Company and others.

CHARLES W. CLEMENT, for American Union Telephone Company.

GEORGE O. SHATTUCK, for Keystone Telephone Company of Penna.

AMBLER, Chairman.

From the petition, exhibits, answers and testimony in this case, the following facts appear:

The applicant, the Chesapeake and Potomac Telephone Company is a New York corporation with an authorized capital of \$15,000,000, of which stock to the amount of \$13,000,000 has been issued and is outstanding, and by its charter it is authorized to own telephone lines in the State of Maryland and to purchase, acquire, hold and dispose of the property, franchises, stock, bonds and other evidences of indebtedness of other telephone companies, domestic and foreign. Among its subsidiary companies is the Chesapeake and Potomac Telephone Company of Baltimore City, the Maryland corporation that owns and operates a telephone system in Baltimore City and certain counties of Maryland, including Allegany County; and of the two hundred shares (\$10,000) of stock of the latter company, the applicant owns one hundred and ninety-five shares

(\$9,750), the other five shares standing in the names of individuals for the purpose of organization. For some time there has also been in operation in the City of Cumberland and throughout Allegany County, an independent or competing telephone company known as the Western Maryland Telephone Company of Allegany County, which is a Maryland corporation with an authorized capital stock of \$100,000, all issued and outstanding. Organized eight or ten years ago because of dissatisfaction with the service or charges of the Chesapeake and Potomac Telephone Company, the Western Maryland Telephone Company, which for convenience we will call the Cumberland Company, rapidly grew and prospered, at the expense of its rival, until today it has in the city of Cumberland some 2,800 subscribers as against about 800 who still retain the older service; but lately, in the language of counsel, it has found itself "bottled up" in Cumberland by the fact that most of its connecting lines in the rest of the State, and particularly its connection with Baltimore City, have been absorbed by the "Bell" system. To such an extent, indeed, has this absorption proceeded that, in order to have the means of communicating with Baltimore and other parts of Maryland outside of Allegany and the immediately adjoining counties, even the gentlemen most largely interested in the Western Maryland Company and active in its management have been obliged to have Bell telephones installed in their offices or residences. Moreover, while the Cumberland Company has been busily extending its lines and its service, and to provide for such extensions has issued two series of bonds, amounting together to \$165,000, secured by mortgage upon all of its property, its managers appear to have overlooked the fact that in the course of time its equipment would wear out and require renewal. The necessity for renewal is now becoming obvious, but the source from which the needful funds are to be obtained is not patent, in view of the existing encumbrances.

In this situation the Chesapeake and Potomac Telephone Company opened negotiations for the purchase of all the stock of the Cumberland Company, which is held by three voting trustees with broad powers, including the power to sell, and the negotiation resulted in the grant of the "option," or con-

tract, which the Commission is now asked to approve and ratify. By the terms of this option, the Chesapeake and Potomac Telephone Company is to pay for the \$100,000 of Cumberland Company stock \$40,000 in cash and \$40,000 in common stock of the American Telephone and Telegraph Company and is to redeem at par or guarantee the \$165,000 of bonds outstanding.

One citizen of Cumberland has protested against the transaction on the grounds (1) that it is against public policy, (2) that it will destroy the competition between the two companies from which the people of Cumberland have heretofore greatly profited both in the matter of rates and in quality of service; and (3) that it is prohibited by the ordinance of the Mayor and City Council of Cumberland, which granted to the Cumberland Company the right to operate in that city upon the 'express condition, among others, that it should not directly or indirectly transfer the franchise to or consolidate with any other company.

Protest was also made by or on behalf of a number of so-called "independent" telephone companies, which have heretofore had connections with the Cumberland Company and regard it as an important link in the independent system. They insist that this is only one step in the plan of the Bell "system" to throttle or buy off all competition and establish a giant monopoly that will include the whole of the United States in its relentless grasp; that the establishment of such a monopoly is contrary to public policy, and the proposed price is excessive and, if the purchase is permitted, will be made the basis of increased and excessive charges for telephone service. They specially urge that neither the property nor the business of the Cumberland Company would warrant a price at all approaching that now offered for its stock, but the whole value over and above the encumbrance lies in the opportunity to cripple and destroy the "independent" system by withdrawing an important member and creating a gap in its lines of communication; and that it is unjust and wrong to permit the Cumberland Company to make capital of the fictitious value thus attached to its position, to the great and irreparable injury to the other

companies that have been associated with it and have helped to build it up.

There is no suggestion that in the negotiation between the two companies there was anything like collusion. One company wanted to sell for the highest price and the other to buy at the lowest price possible. The evidence satisfies us that the number of subscribers and the good-will of the community give a large "going value" to the business, and the representatives of the Chesapeake and Potomac Telephone Company were certainly competent to ascertain the extent of that value as well as to determine what the property will be worth to the purchaser. On the question of price, we will not undertake to review the judgment of the parties most interested and best qualified by knowledge and experience to reach a correct conclusion. While we feel great sympathy for the gentlemen who are threatened with disintegration of the "independent" system which they have constructed with so much labor, we have no means of helping them. The difficulty is that the so-called "system" seems to lack cohesiveness. As was remarked in the argument, if we disapprove this sale, there is no power to prevent another of the allied companies from selling out, with the same disintegrating effect, and experience has shown that, because of their extreme "independence," each is free to sell, and does actually sell, whenever the opportunity comes to make a sale that is deemed advantageous. The Cumberland Company says that it is the defection of former allies that has caused it to be "bottled up," and it is now merely following the rule of *save qui peut*, which is universally prevalent.

On the other hand, even if we do not accede to the view that the existence of this Commission is itself evidence that in the judgment of the people of Maryland regulated monopoly in public utilities is better than destructive and expensive competition, we see no answer to the demand of the people of Cumberland for telephonic communication with the rest of the world as well as among themselves. As the matter now stands, the Cumberland Company renders better local service, but has practically no "long distance" connection, while the Chesapeake and Potomac Company has the only "long distance" service and inferior local service. The great majority

of the citizens of Cumberland who use telephones at all have the telephones of the local company, but must resort to the other company if they wish to speak to anyone outside of that immediate neighborhood, and the result is that many are compelled to install both telephones, which means, of course, double expense. This certainly calls for amendment of some kind.

The application for approval of the purchase clearly sets forth, as follows:

The facts warranting the proposed acquisition:

1. The advantages to the respective companies:

(a) The avoidance of future useless duplication of plant;

(b) The reduction of necessary present expenses of building, operation, maintenance and re-construction, and the prevention of the present operating losses;

(c) The obtention of business substantially sufficient to justify the operation of a single system at a high point of efficiency;

2. The advantages to the public—the users of the telephone service:

(a) The relief given to part of the telephone using public in Allegany County from the expense of subscribing for two telephones and the inconvenience of two systems, the estimated net saving to the public on this account being twenty thousand (\$20,000.00) dollars per annum.

(b) The opportunity offered that large portion of the telephone users who now subscribe to one or the other of the companies, and who consequently have only a partial service, for connection with all telephone subscribers in the county; in other words, a complete local service.

(c) The opportunity offered to the present subscribers of the Western Maryland Telephone Company for the advantage of the toll and long distance service of the Bell system; in other words, a universal service.

3. The advantage to the general public—the possibility to remove a large portion of the present duplicate plants, thus adding materially to appearances and to public convenience in the territory in question.

In our judgment, this statement of the advantages to be derived from the acquisition of the stock of the Cumberland Company by the Chesapeake and Potomac Telephone Company is unanswerable, and while we may not wholly disregard other elements, the controlling consideration with us must always be the general advantage to the public.

It remains only to notice one other objection urged by those who protest against the proposed purchase. The objection is made that the purchase of all the stock of a corporation involves the transfer of all its property and franchises, and while by the "Rules of Practice and Procedure" adopted by this Commission a petition for approval of assignment or transfer of a franchise is required (Rule X, Sec. 3) to be accompanied by copies of the franchise and proposed assignment and also of the laws, or reference to the laws, which authorize the same, not only has the applicant in this case failed to exhibit such copy or make such reference, but, by the express terms of the ordinance granting the franchise, the Cumberland Company is prohibited from assigning or transferring its rights thereunder without the consent of the Mayor and City Council of Cumberland, and it is further provided that if the Cumberland Company should pass into the hands of any other telephone company without the consent of the Mayor and City Council of Cumberland, all the rights and privileges granted under this franchise shall be and become null and void. Counsel for the applicant admits that the consent of the Mayor and City Council of Cumberland is essential to the validity of the proposed acquisition of stock, and has not yet been obtained, but says that the matter has not yet reached that point; that his company is asking us to approve a *contract* for purchase, not an actual purchase, and that by the terms of the Public Service Commission Law (Secs. 26 and 41), unless and until this contract is approved by this Commission, it has no force or effect, and there is no basis for an appeal to the Mayor and City Council for their consent; that the completed transaction will require both the approval of the Commission and the consent of the Mayor and City Council, but approval by this Commission is unquestionably prerequisite to consent of the Mayor and City Council, and if it should also be held that consent of the

Mayor and City Council is prerequisite to approval by the Commission, it would be impossible to proceed at all and the matter must remain forever suspended; that it can in reason make no difference in which order the consent and approval come, provided both are obtained, and all interests will be fully protected if we grant approval conditional upon the consent of the Mayor and City Council.

This seems to us sound reasoning, and we will accordingly sign an order approving the contract, subject to the approval and consent of the Mayor and City Council of Cumberland.

ORDER No. 330

In the matter of

The Application of the CHESAPEAKE AND
POTOMAC TELEPHONE COMPANY for an
Order Authorizing It to Purchase the
Capital Stock of the Western Maryland
Telephone Co. of Allegany County.

Before the Public
Service Commis-
sion of Maryland.

Case No. 145.

The Chesapeake and Potomac Telephone Company, a corporation, duly created under the laws of the State of New York in the year 1883, as shown by a certified copy of its articles of incorporation filed with the Commission, having on the 28th day of April, 1911, filed with this Commission its petition alleging that it had obtained a written option for the purchase of all the capital stock of the Western Maryland Telephone Company of Allegany County, given to the petitioner by the duly constituted and authorized voting trustees of the said Western Maryland Telephone Company of Allegany County, the terms of which purchase are fully set forth in the said petition and in a copy of the said written option filed with the said Commission; and the said petitioner, having prayed this Commission to issue an order authorizing it to make said purchase of said shares of stock upon the terms mentioned in said Petition; the protests of the Cumberland Valley Telephone

Company, of Baltimore City, of the Bedford County Telephone Company, and of T. A. K. Hummelshime against the grant of the prayer of the said petition having been filed with this Commission, and the matters of the said petition and of said protests having been duly set for hearing, and heard, by this Commission; and at said hearing, testimony having been duly produced by said petitioner and by said protestants; counsel having been duly heard for the respective parties; and the Commission being of the opinion that the acquisition of said shares of stock by said the Chesapeake and Potomac Telephone Company would be to the benefit, convenience and advantage of the general public and those persons using telephones in Allegany County and throughout the State of Maryland and elsewhere;

It is thereupon, this 30th day of June, in the year 1911, by the Public Service Commission of Maryland,

Ordered, That the approval of the said Commission is hereby given to the purchase, by the said the Chesapeake and Potomac Telephone Company of all the capital stock of the said Western Maryland Telephone Company of Allegany County, upon the terms set forth in the option dated April 11, 1911, hereinbefore mentioned; but this approval is given upon the condition, that the consent of the Mayor and City Council of Cumberland to the said sale of said capital stock shall be obtained, as required by Section 10 of an ordinance of the Mayor and City Council of Cumberland entitled, "An ordinance of the Mayor and City Council of Cumberland, Maryland, granting a franchise to the Western Maryland Telephone Company of Allegany County to establish a telephone exchange within the limits of the city; and to erect the necessary poles and wires therein, proper for the business of the said company, in and upon the streets, alleys and avenues of said city," and approved the 17th day of April, 1902, provided also a duly certified copy of the ordinance by which the Mayor and City Council of Cumberland shall grant such consent shall be promptly filed with this Commission.

ORDER No. 332

In the matter of

The Complaint of JAMES H. PRESTON,
Mayor of the City of Baltimore,
vs.

THE CONSOLIDATED GAS ELECTRIC LIGHT
AND POWER COMPANY OF BALTIMORE.

Before the Public
Service Commis-
sion of Maryland.

Case No. 176.

Complaint as to Prices Charged for
Electricity within the City of Baltimore.

The above mentioned complaint having been received and filed, it is this 30th day of June, 1911.

Ordered, That the Public Service Commission of Maryland does hereby appoint Wednesday, the nineteenth day of July, nineteen hundred and eleven, at ten thirty o'clock A. M., as the day for a public hearing, at which time and at such other dates as it may from time to time appoint, it will receive evidence, listen to arguments upon, and otherwise investigate the following matters:

1. Whether the prices demanded, exacted, charged or collected by said Consolidated Gas Electric Light and Power Company of Baltimore for electricity are unjust or unreasonable.

2. Whether such prices and charges above mentioned, or any of them are unjustly discriminatory or unduly preferential, or in anywise in violation of law.

3. Whether this Commission should, pursuant to the powers conferred upon it by Section 37 and other provisions of the Public Service Commission Law, determine the just and reasonable prices, rates and charges to be hereafter observed and in force as the maximum to be charged, demanded, exacted and collected for the service and services rendered in supplying electricity by the said Consolidated Gas Electric Light and Power Company of Baltimore herein mentioned, shall be other than the prices, rates and charges therefor now charged, demanded, exacted and collected.

FURTHER ~~Ordered~~, That a copy of the complaint herein be served upon said Consolidated Gas Electric Light and Power Company of Baltimore, and a certified copy of this order be served upon said company and upon James H. Preston, Mayor of the City of Baltimore.

ORDER No. 333

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 177.
The Complaint of JAMES H. PRESTON, Mayor of the City of Baltimore,		
<i>vs.</i>		
THE CONSOLIDATED GAS ELECTRIC LIGHT AND POWER COMPANY OF BALTIMORE.		
<hr/> Complaint as to Prices Charged for Gas within the City of Baltimore.		

The above mentioned complaint having been received and filed, it is, this 30th day of June, 1911,

~~Ordered~~, That the Public Service Commission of Maryland does hereby appoint Wednesday, the 19th day of July, 1911, at 10.30 o'clock A. M., as the day for a public hearing, at which time and at such other dates as it may from time to time appoint, it will receive evidence, listen to arguments upon, and otherwise investigate the following matters:

1. Whether the prices demanded, exacted, charged or collected by said Consolidated Gas Electric Light and Power Company of Baltimore for gas are unjust or unreasonable.

2. Whether such prices and charges above mentioned, or any of them are unjustly discriminatory or unduly preferential, or in anywise in violation of law.

3. Whether this Commission should, pursuant to the powers conferred upon it by Section 37 and other provisions of the Public Service Commission Law, determine the just and reasonable prices, rates and charges to be hereafter observed and

in force as the maximum to be charged, demanded, exacted and collected for the service and services rendered in supplying gas by the said Consolidated Gas Electric Light and Power Company of Baltimore herein mentioned, shall be other than the prices, rates and charges therefor now charged, demanded, exacted and collected.

FURTHER ORDERED, That a copy of this complaint herein be served upon said Consolidated Gas Electric Light and Power Company of Baltimore, and a certified copy of this order be served upon said company and upon James H. Preston, Mayor of the City of Baltimore.

ORDER No. 334

In the matter of

The Application of THE UNITED RAILWAYS AND ELECTRIC COMPANY of Baltimore for Authority to Issue \$3,125,000 of Three-year Five Per Cent. Redeemable Coupon Notes Convertible into the Common Stock of the Company at \$25 per Share. The Proceeds to be Applied to the Payment of the Obligations of the Baltimore City Passenger Railway Company Maturing November 2, 1911; and to the Redemption of the Car Trust Certificates "B" and "C" Outstanding after October 1, 1911. Said Application Being on File at the Office of the Commission.

Before the Public
Service Commis-
sion of Maryland.

Case No. 170.

The Commission upon consideration of the foregoing application, being of opinion that the use of the capital to be secured by the issue of the notes in said application set forth is reasonably required for the corporate purposes of the applicant; and it appearing to the Commission that at a special meeting

of the stockholders of said corporation called pursuant to notice and held on the fifth day of July, 1911, the issue of the notes in said application described was approved by the unanimous vote of all the shares represented in person or by proxy at said meeting, being more than a majority of the total outstanding stock; and it further appearing that the said application has been duly advertised in accordance with the order of this Commission passed on the 21st day of June, 1911;

It is therefore this sixth day of July, in the year 1911,

~~Ordered~~, By the Public Service Commission of Maryland that the issue and sale by said The United Railways and Electric Company of Baltimore of \$3,125,000 of three-year five per cent. redeemable coupon notes convertible into the common stock of the company at \$25 per share; the proceeds to be applied to the payment of the obligations of the Baltimore City Passenger Railway Company maturing November 2, 1911, and to the redemption of the Car Trust Certificates "B" and "C" outstanding after October 1, 1911, and the issue of the bonds and stock as in said application set forth,—be and the same are hereby authorized and approved; provided that the said notes shall not be sold to realize less than the amount set forth in said application.

AND IT IS FURTHER ~~Ordered~~, That The United Railways and Electric Company of Baltimore file with the Commission within thirty days from November 2, 1911, a sworn statement showing the disposition of the note proceeds, namely, the payment and redemption of the obligations of the Baltimore City Passenger Railway Company and the Car Trust Certificates in said application set forth.

ORDER No. 339

In the matter of

The Application of the CHESAPEAKE AND
POTOMAC TELEPHONE COMPANY OF BAL-
TIMORE CITY for Permission to Exercise
the Privileges Granted by the Mayor
and Aldermen of Frederick, Maryland,
by Ordinance Passed June 27th, 1911.

Before the Public
Service Commis-
sion of Maryland.

Case No. 180.

The application of the Chesapeake and Potomac Telephone Company of Baltimore City, together with the exhibits referred to therein, filed with the Public Service Commission of Maryland on the 6th day of July, 1911, asking for the permission and approval of said Commission to the laying down, construction, maintenance and operation of its conduits, ducts, pipes, cables, wires, manholes, distributing poles and all other necessary underground appliances, on, in, under and through Middle Alley between Patrick street and a point approximately midway between Second and Third street, Second street between Middle alley and Court street, West Patrick street, between Court street and a point approximately 50 feet west of Bentz street, also East Patrick street between Chapel alley or Carrol street and the easterly side of East street, in the city of Frederick, in the county of Frederick, Maryland, as defined and provided for by Section 3, and under the conditions, of the ordinance of the Mayor and Aldermen of Frederick in said petition mentioned, coming on to be heard; and it appearing from the papers filed with the applicant's application and petition as Exhibits 1, 2 and 3, that the authority and consent of the Mayor and Aldermen of Frederick is given to the same, and this Commission having determined from the evidence submitted at the hearing of the application, that those things to which its permission and approval is asked are convenient for the public service;

It is thereupon, on this 6th day of July, 1911,

Ordered, By the Public Service Commission of Maryland, that the approval and permission of said Commission is hereby

given to the Chesapeake and Potomac Telephone Company of Baltimore City, its successors, and assigns, to construct, maintain and operate its conduits, ducts, mains, pipes, cables, wires, manholes, distributing poles and all other necessary underground appliances, on, in, under and through Middle alley between Patrick street and a point approximately midway between Second and Third street, Second street between Middle alley and Court street, West Patrick street between Court street and a point approximately 50 feet west of Bentz street, and also East Patrick street between Chapel alley or Carrol street and the easterly side of East street, in Frederick City, in Frederick County, Maryland, as defined and provided for by Section 3 of said ordinance of the Mayor and Aldermen of Frederick, subject to the regulations, restrictions and reservations contained in the provisions of said ordinance passed June 27, 1911, a certified copy of which is filed with said application as applicant's "Exhibit No. 1."

ORDER No. 340

In the matter of

The Petition of the BALTIMORE AND OHIO
RAILROAD COMPANY for Permission to
File and Publish on Less than Statu-
tory Notice, a Supplement to Freight
Tariff Restoring Rates on Pipe Iron
and Pipe Steel Heretofore Cancelled.

Before the Public
Service Commis-
sion of Maryland.

Case No. 181.

This is an application for permission to cancel supplement to Baltimore and Ohio Railroad Freight Tariff P. S. C., Md., No. 68, by which supplement, effective July 15th, 1911, it was sought to cancel rates on pipe iron and pipe steel, by substituting therefor in said tariff "Skelp (iron or steel)," and it is now proposed to restore the rates on pipe iron and pipe steel, which were proposed to be cancelled as aforesaid.

Upon consideration of said application, it is this 8th day of July, 1911,

Ordered, That permission be and is hereby given the Baltimore and Ohio Railroad Company to file and publish, a supplement, effective July 15th, 1911, substituting in Baltimore and Ohio Railroad Company Freight Tariff P. S. C., Md., No. 68, for "Skelp (iron or steel)" as therein described, the following:

"Pipe iron or pipe steel (not band, plate or shovel iron or steel) will apply only on such unfinished material as is intended to be welded, reheated or rerolled, and not over fifteen hundredths (.15) of one (1) per cent. in carbon, and in lengths of ten (10) feet or over, which can be transported in open cars without damage from exposure to weather; bill of lading and shipping order to include the clause "not over fifteen hundredths (.15) of one (1) per cent. in carbon," carloads, minimum weight 25 gross tons."

PROVIDED, a supplement to said tariff P. S. C., Md., No. 68, bearing proper serial number, and clearly setting forth the change herein authorized, be filed with the Commission and published by posting as required by law, not less than one day prior to said 15th day of July, 1911, and that all copies of said supplement shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 340 of July 8th, 1911."

ORDER No. 341

<p>In the matter of</p> <p>The Complaint of ELLSWORTH UPTON and Others</p> <p>vs.</p> <p>UNITED RAILWAYS AND ELECTRIC COMPANY OF BALTIMORE.</p>	}	<p>Before the Public Service Commis- sion of Maryland.</p> <p>Case No. 78.</p>
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For the reasons set forth in the opinion filed in Case No. 96 on the docket of this Commission, being the case of the Old Frederick Road Improvement Association and others vs. The United Railways and Electric Company of Baltimore, it is this 11th day of July, 1911, by the Public Service Commission of Maryland,

Ordered, That the complaint in this case be and the same is hereby denied and dismissed.

ORDER No. 342

<p>In the matter of</p> <p>The Complaint of the CATONSVILLE CIVIC LEAGUE</p> <p>vs.</p> <p>THE UNITED RAILWAYS AND ELECTRIC Co. OF BALTIMORE.</p>	}	<p>Before the Public Service Commis- sion of Maryland.</p> <p>Case No. 67.</p>
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For the reasons set forth in the opinion filed in Case No. 96 on the docket of this Commission, being the case of the Old Frederick Road Improvement Association and others vs. The United Railways and Electric Company of Baltimore, it is this 11th day of July, 1911, by the Public Service Commission of Maryland,

Ordered, That the complaint in this case be and the same is hereby denied and dismissed.

ORDER No. 343

In the matter of
Complaint of the RESIDENTS OF GLYNDON
and Others
vs.
THE UNITED RAILWAYS AND ELECTRIC Co,
OF BALTIMORE.

Before the Public
Service Commis-
sion of Maryland.

Case No. 71.

For the reasons set forth in the opinion filed in Case No. 96 on the docket of this Commission, being the case of the Old Frederick Road Improvement Association and others vs. The United Railways and Electric Company of Baltimore, it is this 11th day of July, 1911, by the Public Service Commission of Maryland,

Ordered, (1.) That the complaint in this case be and the same is hereby dismissed as to the first, second, third, fourth and fifth prayers of the petition herein.

(2.) That the subject matter of the sixth prayer of the petition herein is reserved for further investigation by the Commission and such further hearing as the Commission may deem advisable after due notice to the respective parties interested therein.

ORDER No. 344

In the matter of
The Complaint of W. V. VAN DOREN
vs.
ADAMS EXPRESS COMPANY.

Before the Public
Service Commis-
sion of Maryland.

Case No. 75.

The subject matter of the complaint herein relates to shipment of express matter from points beyond the limits of the State of Maryland, and being matter relating to Interstate Commerce, is beyond the jurisdiction of this Commission, it is therefore, this 11th day of July, 1911,

Ordered, That the complaint herein be and the same is hereby dismissed.

ORDER No. 345

In the matter of The Complaint of ROBERT G. NICHOLSON ET AL. vs. THE PENNSYLVANIA RAILROAD COMPANY.	}	Before the Public Service Commis- sion of Maryland. Case No. 107.
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¶ The answer of the defendant company, filed herein, shows that said company is not the owner of, nor does it operate, the line of railroad complained against herein, and said facts being admitted by the complainants, it is this 11th day of July, 1911,

Ordered, That the complaint in the above entitled matter be and the same is hereby dismissed as to the said Pennsylvania Railroad Company.

ORDER No. 346

In the matter of The Complaint of H. W. GUNTHER vs. THE BALTIMORE COUNTY WATER AND ELEC- TRIC COMPANY.	}	Before the Public Service Commis- sion of Maryland. Case No. 113.
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Ordered, This 11th day of July, 1911, that the complaint in the above entitled matter, be and the same is hereby dismissed without prejudice.

ORDER No. 347

In the matter of

The Petition of the WASHINGTON, BALTIMORE AND ANNAPOLIS ELECTRIC RAILROAD COMPANY, for Permission to File and Publish on Less than Statutory Notice, Passenger Tariff of Commutation Book Rates Between Baltimore, Maryland, and Naval Academy Junction, Maryland.

Before the Public Service Commission of Maryland.

Case No. 182.

This petition having been received and filed, on consideration thereof, it is this 12th day of July, 1911,

Ordered, That permission be and is hereby given to the Washington, Baltimore and Annapolis Electric Railroad Company, to file and publish on three days' notice to the Commission and the public, a passenger tariff containing the following rate between Baltimore, Maryland, and Naval Academy Junction, Maryland, viz:

One hundred and eighty (180) ride commutation book, good for three months, from the first day of month on which it is issued, and expiring on the last day of the third month thereof, good only for the use of the purchaser—\$18.90.

PROVIDED, That a passenger tariff bearing proper serial number and clearly setting forth said commutation book rate, be filed with the Commission and published by posting as required by law within ten days from the issuance of this order and that all copies of said tariff shall bear the following notation:

“Issued under special permission of the Public Service Commission of Maryland, Order No. 347 of July 12, 1911.”

ORDER No. 348

In the matter of	}	Before the Public
A Uniform System of Accounts for Water		Service Commis-
Companies.		sion of Maryland.

An order having been passed by the Public Service Commission of Maryland, June 19th, 1911, prescribing a uniform system of accounts to be kept by water companies subject to the jurisdiction of the Commission, it is this 14th day of July, 1911,

~~Ordered~~, That the said order of the Commission, No. 310, passed June 19th, 1911, be and the same is hereby modified by adding thereto, the following:

(6a) On and after July 1, 1911, any such water company may keep upon its books the accounts prescribed or defined in the scheme of uniform accounts for systems of water supply prepared and promulgated by the Bureau of Census of the United States Department of Commerce and Labor, 1911, so far as the same are pertinent to the facts and circumstances of said company, in lieu of the accounts prescribed or defined in the schedules marked "A" and "B"; provided, however, that there be filed with the Public Service Commission a statement containing a list of said accounts and the definitions thereof; provided further, that nothing herein shall contravene the provisions of paragraph 2 of said Order No. 310, with reference to the account named "Organization," and the account named "Unextinguished Discount on Securities" set forth in said "Schedule A," nor with the account named "Depreciation of Plant," as specified in said "Schedule B"; and provided further, that every such water company may also keep upon its books any other or additional accounts prescribed or defined in said "Schedule A" or "Schedule B"; but each and every such water company shall render its annual report to the Commission in accordance with the classifications contained in Circular 35A, containing the regulations prescribed by this Commission for a uniform system of accounts for water companies.

FURTHER ~~Ordered~~, That a copy of this order be served on each and every water company under the jurisdiction of the Commission.

ORDER No. 349

In the matter of The Petition of THE UNITED RAILWAYS AND ELECTRIC COMPANY OF BALTIMORE ET AL., to Postpone Effective Date of Regulations for a System of Uniform Accounts for Electric Railways.	}	Before the Public Service Commis- sion of Maryland. Case No. 184.
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Upon petition of the above mentioned company representing that the regulations prescribed in Circular No. 31 for a uniform system of accounts for electric railways, work such changes in the present method of accounting used by the above named corporation that it will be impossible to place the same in operation at once, without demoralizing its entire system; upon consideration thereof, it is this 14th day of July, 1911,

~~Ordered~~, That the effective date of the regulations for uniform accounting of electric railways as contained in Circular No. 31, be and the same is hereby extended as to The United Railways and Electric Company of Baltimore, Sparrows Point and Chesapeake Railway Company and the Baltimore, Halethorpe and Elkridge Electric Railway Company, to January 1, 1912.

ORDER No. 353

<p>In the matter of</p> <p>The Complaint of the CHESAPEAKE IRON WORKS ET AL.</p> <p><i>vs.</i></p> <p>UNITED RAILWAYS AND ELECTRIC COMPANY OF BALTIMORE.</p>	}	<p>Before the Public Service Commis- sion of Maryland.</p> <p>Case No. 31.</p>
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A communication from complainants stating that they do not desire to push the above entitled matter having been received and filed, it is this 18th day of July, 1911,

Ordered, That the above entitled complaint be and is hereby dismissed without prejudice.

ORDER No. 357

<p>In the matter of</p> <p>The Complaint of JAMES H. PRESTON, Mayor of the City of Baltimore,</p> <p><i>vs.</i></p> <p>THE CONSOLIDATED GAS ELECTRIC LIGHT AND POWER COMPANY OF BALTIMORE. Complaint as to Prices Charged for Electricity Within the City of Balti- more.</p>	}	<p>Before the Public Service Commis- sion of Maryland.</p> <p>Case No. 176.</p>
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Ordered, This 19th day of July, 1911, that the Consolidated Gas Electric Light and Power Company of Baltimore be, and is hereby required to furnish to this Commission, within sixty days from the date hereof, the information in regard to its electric division mentioned and set forth in Engineering Department Report No. 87 and the accompanying schedules, hereto attached; and also the information mentioned and set forth in the letter of the Auditor of the Commission dated July 11, 1911, hereto attached.

ORDER No. 358

In the matter of

The Complaint of JAMES H. PRESTON,
Mayor of the City of Baltimore,

vs.

THE CONSOLIDATED GAS ELECTRIC LIGHT
AND POWER COMPANY OF BALTIMORE.
Complaint as to Prices Charged for
Gas Within the City of Baltimore.

Before the Public
Service Commis-
sion of Maryland.

Case No. 177.

Ordered, This 19th day of July, 1911, that the Consolidated Gas Electric Light and Power Company of Baltimore be, and is hereby required to furnish to this Commission, within sixty days from the date hereof, the information in regard to its gas division mentioned and set forth in Engineering Department Report No. 87, and the accompanying schedules, hereto attached; and also the information mentioned and set forth in the letter of the auditor of the Commission dated July 11, 1911, hereto attached.

ORDER No. 359

In the matter of

The Application of the CRISFIELD LIGHT
AND POWER COMPANY for Permission
and Authority to Exercise a Franchise
and Operate Plant in the Town of Cris-
field, Somerset County, Maryland.

Before the Public
Service Commis-
sion of Maryland.

Case No. 178.

WHEREAS, The Crisfield Light and Power Company, a corporation of the State of Delaware, assignee of Charles Owens, has applied to this Commission for permission and approval to construct and operate in the town of Crisfield, in Somerset County, Maryland, a gas plant and system under a franchise granted to Charles Owens and his assigns by the Commis-

sioners of Crisfield by ordinance passed by the Town Commissioners aforesaid on the 8th day of June, 1910, of which a copy has been filed with this Commission; and

WHEREAS, The said application was set for hearing before this Commission on the 18th day of July, 1911, and notice thereof published in the *Crisfield Times*, a newspaper published in said town of Crisfield, but no one appeared to make any objection thereto, and this Commission after due hearing is of opinion that such construction and operation will be convenient for the public service;

It is by the Public Service Commission of Maryland this 19th day of July, 1911,

~~Ordered~~, That its permission and approval be and the same are hereby granted to the construction and operation by the said Crisfield Light and Power Company of a gas plant and system in the town of Crisfield, Md., in accordance with the terms and provisions of the ordinance of the Commissioners of Crisfield aforesaid, and also to the said company's exercise of the franchise granted by said ordinance;

PROVIDED, However, that, notwithstanding any term or provision of the said ordinance, this Commission reserves the right and power at any and all times to exercise in respect to said company, and its property, the services rendered by it, the charges therefor and any and all other matters relating thereto, all the rights, powers and duties conferred or imposed upon this Commission by the Public Service Commission Law in respect to gas corporations or gas plants as defined in the said law;

And provided further and especially that the said Crisfield Light and Power Company shall not at any time issue any stock, bonds, notes or other evidence of indebtedness payable at periods of more than twelve months after the date thereof until there shall have been secured from this Commission an order authorizing such issue in the same manner and on the same terms as are by the Public Service Commission Law prescribed for corporations organized and existing under the laws of the State of Maryland.

ORDER No. 360

In the matter of
The Complaint of the UNION TELEPHONE
COMPANY
vs.
MARYLAND TELEPHONE COMPANY ET AL. } Before the Public
Service Commis-
sion of Maryland.
Case No. 65.

A communication having been received from the complainant declining to prosecute in reply to inquiry from this Commission, it is thereupon this 21st day of July, 1911, by the Public Service Commission of Maryland,

~~Ordered~~, That the foregoing complaint be, and it is hereby dismissed for failure to prosecute after notice.

ORDER No. 361

In the matter of
The Petition of the WASHINGTON, BALTI-
MORE AND ANNAPOLIS ELECTRIC RAIL-
ROAD COMPANY for Permission to File
and Publish on Less than Statutory
Notice, Rates for Mileage Books Good
Between All Points on its Lines Within
the State of Maryland. } Before the Public
Service Commis-
sion of Maryland.
Case No. 187.

This petition having been received and filed, upon consideration thereof, it is this 25th day of July, 1911, by the Public Service Commission of Maryland,

~~Ordered~~, That permission be and is hereby given the Washington, Baltimore and Annapolis Electric Railroad Company to put into effect on three days' notice to the Commission and the public, the following rates between all points on its lines within the State of Maryland:

Mileage books of two hundred and fifty miles to be sold at five (\$5.00) dollars each, to be good for the use of the person

or persons presenting the same, for the actual distance used, except that where a fraction of a mile is used the full mile shall be detached for each passenger; the minimum mileage to be detached for any single ride shall be two (2) miles. Books shall be unlimited as to the time when they shall be used.

PROVIDED, That a tariff containing the aforesaid rates for mileage books be filed with the Commission and published by posting as required by law, within ten days from the issuance of this order and that all copies of said tariff shall bear the following notation:

“Issued under special permission of the Public Service Commission of Maryland, Order No. 361 of July 25th, 1911.”

ORDER No. 362

In the matter of

The Application of the BALTIMORE AND OHIO RAILROAD COMPANY for Permission to File and Publish on Less than Statutory Notice, a Rate on Oranges and Lemons, Carloads, from Locust Point, Maryland to Camden Station, Maryland.

Before the Public Service Commission of Maryland.

Case No. 188.

This petition having been received and filed, upon consideration thereof, it is this 25th day of July, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be and is hereby given the Baltimore and Ohio Railroad Company to put into effect on one day's notice to the Commission and the public the following rates on oranges and lemons from Locust Point, Md., to Camden Station, Md., viz:

\$6.00 per car, not to include any labor in loading and to apply only when barge service is not necessary; \$7.00 when barge service is performed.

PROVIDED, That a tariff containing the aforesaid rates on oranges and lemons, carloads, be filed with the Commission and published by posting as required by law within ten days from the issuance of this order and that all copies of said tariff shall bear the following notation:

“Issued under special permission of the Public Service Commission of Maryland, Order No. 362, of July 25, 1911.”

ORDER No. 364

In the matter of

The Petition of the BALTIMORE AND OHIO RAILROAD COMPANY for Permission to File and Publish on Less than Statutory Notice Reduced Rates for Reicing in Transit Refrigerator Cars Carrying Shipments of Peaches.

Before the Public Service Commission of Maryland.
Case No. 189.

The above mentioned petition having been received and filed, upon consideration thereof it is this 25th day of July, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be and is hereby given to the Baltimore and Ohio Railroad Company to put into effect on one day's notice to the Commission and the public, the following rates for reicing in transit refrigerator cars carrying shipments of peaches, viz:

From Baltimore and Ohio Railroad stations west of Baltimore, Md., to Keyser, W. Va., exclusive, including branches, \$2.50 per ton of 2,000 pounds;

PROVIDED, That a tariff containing the aforesaid rate for reicing in transit refrigerator cars carrying shipments of peaches be filed with the Commission and published by posting as required by law within ten days from the issuance of this order,

and that all copies of said tariff shall bear the following notation:

“Issued under special permission of the Public Service Commission of Maryland, Order No. 364, of July 25th, 1911.”

ORDER No. 365

In the matter of

The Petition of the BALTIMORE AND OHIO RAILROAD COMPANY for Permission to File and Publish, on Less than Statutory Notice, Reduced Refrigeration Charges of Armour Car Lines on Peaches, Carloads, as Specified in the Memorandum Accompanying and Attached to This Petition.

Before the Public Service Commission of Maryland.

Case No. 190.

This is a petition for permission to put into effect on less than statutory notice, reduced refrigeration charges on peaches in carload lots, in accordance with the reduction of reicing charges of the Baltimore and Ohio Railroad Company on said commodity about to be made.

Upon consideration thereof, it is this 25th day of July, 1911, by the Public Service Commission of Maryland,

~~Ordered~~, That permission be and is hereby given the Baltimore and Ohio Railroad Company to put into effect reduced refrigeration charges of Armour car lines on peaches, carloads, as specified in the memorandum accompanying and attached to this petition, on one day's notice to the Commission and the public;

PROVIDED, That a tariff containing the aforesaid refrigeration charges be filed with the Commission and published by posting as required by law within ten days from the issuance

of this order, and that all copies of said tariff shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 365, of July 25th, 1911."

ORDER No. 366

In the matter of
Inspecting and Testing Water
Meters.

} Before the Public
Service Commis-
sion of Maryland.

This matter being under consideration, it is this 25th day of July, 1911, by the Public Service Commission of Maryland,

~~Ordered~~, That if any consumer to whom a meter has been furnished by any water company within the State of Maryland shall request the Commission to inspect such meter, the same shall be inspected and tested by the authorized officers of the Commission; and being tested, shall be found to be two per cent., defective or incorrect, to the prejudice of the consumer, the inspector shall order the water company forthwith to remove the same and to place instead thereof a correct meter and the expense of such inspection and test shall be borne by the corporation; if the same, on being so tested, shall be found to be correct, the expense of such inspection and test shall be borne by the consumer.

The charge for such inspection and test shall be one (\$1.00) dollar in each and every case.

The term "water company" herein, is used in the sense defined by Section 1 of the Public Service Commission Law.

ORDER No. 368

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 183.
The Application of the CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF BAL- TIMORE CITY for Permission to Exercise the Privileges Granted by the Mayor and Aldermen of Frederick.		

The application of the Chesapeake and Potomac Telephone Company of Baltimore City, filed with the Public Service Commission of Maryland on the 14th day of July, 1911, together with the exhibits referred to therein filed with the said Commission on the 6th day of July, 1911, for the permission and approval of said Commission to the construction, maintenance and operation of its posts, poles, cables, wires and all other necessary overhead apparatus, on, over and along, and its conduits, ducts, mains, pipes, cables, wires, manholes and distributing poles, and all other necessary underground appliances, on, in, under and through, the streets, alleys and highways within the corporate limits of the City of Frederick, in Frederick County, State of Maryland, in accordance with the provisions of the ordinance of the Mayor and Aldermen of Frederick in said petition mentioned, coming on to be heard; and it appearing from the application and the papers referred to therein as Exhibits 1, 2 and 3, that the authority and consent of the Mayor and Aldermen of Frederick are given to the same, and this Commission, having determined from the evidence submitted on the hearing of the application that those things to which its permission and approval are asked are convenient for the public service; thereupon, on this 27th day of July, 1911, it is

Ordered, By the Public Service Commission of Maryland, that the approval and permission of said Commission is hereby given to the Chesapeake and Potomac Telephone Company of Baltimore City, its successors and assigns, to construct, maintain and operate its posts, poles, cables, wires, and all other

necessary overhead apparatus, on, over and along, and its conduits, ducts, mains, pipes, cables, wires, manholes and distributing poles, and all other necessary underground appliances, on, in, under and through, the streets, alleys and highways within the corporate limits of the City of Frederick, in Frederick County, State of Maryland; subject to the regulations, restrictions and reservations contained in the provisions of said ordinance passed June 27, 1911, a certified copy of which was filed with this Commission as "Applicant's Exhibit No. 1" on July 6, 1911.

ORDER No. 373

In the matter of

The Petition of the BALTIMORE AND VIRGINIA RAILROAD COMPANY for Permission to Exercise Franchises and Authority to Begin Construction of a Railroad from Millersville, Md., to Drum Point, Md.

Before the Public Service Commission of Maryland.

Case No. 186.

WHEREAS, The Baltimore and Virginia Railroad Company, a corporation existing under the laws of Maryland, on the 15th day of July, 1911, filed its application for permission and approval of the exercise of its franchise to construct, maintain and operate a steam, gasoline or electric railroad from Millersville in Anne Arundel County in the State of Maryland, through the counties of Anne Arundel and Calvert to Drum Point in Calvert County, Maryland, a distance of about seventy miles, and also to begin the construction of said road; and

WHEREAS, After notice by publication in newspapers published in Baltimore City, Anne Arundel County and Calvert County of a copy of the order setting the said application for hearing on this second day of August, 1911, the said applicant appeared by its counsel and the County Commissioners of Anne Arundel County and of Calvert County, by their respective

counsel, also appeared and urged the granting of the desired permission and approval; and

WHEREAS, It was shown at the hearing that the line of the proposed railroad with the exception of only three or four miles was all laid out and graded several years ago by predecessors of the applicant and the applicant was incorporated for the purposes of completing the work of construction that was thus actually begun before the enactment of the Public Service Commission Law and the Commission is of opinion that the construction and completion of the said railroad and the exercise of the franchise conferred by the applicant's charter are convenient for the public service;

It is this second day of August, 1911, by the Public Service Commission of Maryland,

~~Ordered~~, That the Public Service Commission of Maryland hereby permits and approves the exercise of the franchises granted by its charter to the said Baltimore and Virginia Railroad Company, and also the beginning of the construction of the said railroad from Millersville to Drum Point, Maryland;

PROVIDED, HOWEVER, That no construction over, under or upon any street or highway shall be begun until the permission of the proper authorities so to do shall be filed with this Commission and approved by it, and the plans for crossing or occupying such street or highway shall be approved by this Commission; and

PROVIDED FURTHER, That no construction across any other railroad shall be begun until the plans for the construction and operation of such crossing shall have been filed with and approved by this Commission.

ORDER No. 377

In the matter of

The Application of the DIAMOND STATE
TELEPHONE COMPANY for Permission to
Exercise the Privileges Granted by the
President and Commissioners of Chesapeake City, Md., by Ordinance Passed
July 18th, 1911.

Before the Public
Service Commission of Maryland.

Case No. 193.

The application of the Diamond State Telephone Company, filed with the Public Service Commission of Maryland on the 28th day of July, 1911, together with the exhibits referred to therein, for the permission and approval of the said Commission to the construction, maintenance and operation of its posts, poles, cables, wires, and all other necessary overhead apparatus, on, over and along; and its conduits, ducts, mains, pipes, cables, wires, manholes, distributing poles, and all other necessary underground appliances, on, in, under and through the streets, alleys and highways within the limits of the town of Chesapeake City, in Cecil County, in the State of Maryland, in accordance with the provisions of the ordinance of the President and Commissioners of Chesapeake City, in said petition mentioned, coming on to be heard; and it appearing from the application and the papers referred to therein as exhibits 1, 2 and 3, that the authority and consent of the President and Commissioners of Chesapeake City are given to the same, and this Commission having determined from the evidence submitted on the hearing of the application that those things to which its permission and approval are asked are convenient for the public service; thereupon, on this 9th day of August, 1911, it is—

Ordered, By the Public Service Commission of Maryland, that the approval and permission of said Commission is hereby given to the Diamond State Telephone Company, its successors and assigns, to construct, maintain and operate its posts, poles, cables and wires, and all other necessary overhead apparatus, on, over and along; and its conduits, ducts, mains, pipes, cables, wires, manholes, distributing poles, and all other necessary

underground appliances, on, in, under and through the streets, alleys and highways within the limits of the town of Chesapeake City, in Cecil County, in the State of Maryland; subject to the provisions of said ordinance passed July 18, 1911, a certified copy of which was filed with this Commission as "Applicant's Exhibit No. 1," on July 28, 1911.

ORDER No. 378

In the matter of

The Application of the WESTERN MARYLAND RAILWAY COMPANY for Permission and Approval to Exercise the Franchise Granted to It by the Mayor and Council of Hagerstown, Md., by Ordinance Passed June 15, 1911, to Lay Additional Tracks on Foundry Street.

Before the Public Service Commission of Maryland.

Case No. 194.

WHEREAS, The Western Maryland Railway Company on the 28th day of July, 1911, filed with the Public Service Commission of Maryland an application for permission and approval to exercise the franchise granted to it by the Mayor and Council of Hagerstown, Md., by ordinance passed June 15, 1911, to lay additional tracks on Foundry street, and after due publication of the order setting the said application for hearing on this day no one has appeared to make objection thereto;

AND WHEREAS, After due hearing, the said Commission has determined that the exercise of the franchise granted by the said ordinance, of which a copy is filed in this proceeding, is convenient for the public service, it is this 9th day of August, 1911, by the Public Service Commission of Maryland,

Ordered, That this Commission do, and does hereby, permit and approve the exercise by the Western Maryland Railway Company of the franchise to lay additional tracks on Foundry street in the City of Hagerstown, Md., with necessary switches, switch connections and siding connections, granted by said

ordinance of the Mayor and Council of Hagerstown, Md., subject to the provisions and conditions of the said ordinance, and subject also to the provisions of the laws of Maryland, and particularly the Public Service Commission Law.

ORDER No. 384

In the matter of

The Application of the HOME GAS COMPANY OF SALISBURY, Md., for Authority to Issue Additional Stock to the Amount of \$40,000 for the Extension of Its Facilities, and for Permission and Approval of the Exercise of a Franchise in Pursuance of an Agreement with the County Commissioners of Wicomico County.

Before the Public
Service Commission
of Maryland.

Case No. 197.

WHEREAS, The Home Gas Company of Salisbury, Md., has applied to this Commission for approval and permission to exercise the franchise granted to it by the County Commissioners of Wicomico County, and set forth in an agreement between said corporation and the said County Commissioners of Wicomico County, bearing date the 20th day of June, 1911; and also for authority to issue capital stock to the amount of \$40,000, under the provisions of Section 34 of the Public Service Commission Law, for the extension and improvement of its facilities; and

WHEREAS, Upon examination of the application and exhibits filed therewith, and after due hearing, this Commission has determined that the exercise of said franchise and the construction and extension of such facilities are convenient for the public service, and is of the opinion that the issue of such stock is reasonably required for said purposes of the corporation;

It is, therefore, this 16th day of August, 1911,

Ordered, By the Public Service Commission of Maryland, that the construction and extension of its facilities by said Home Gas Company of Salisbury, Md., and the exercise of the franchise or privilege granted by said agreement with the County Commissioners of Wicomico County, to wit: "The full and free right and liberty to open the county road leading from Salisbury to Delmar and lay therein pipes extending from the corporate limits of Salisbury to the corporate limits of Delmar, along the west side of the county road known as the Middle Neck road, by way of the Jacob Phillips Mill and the George Leonard Mill and the colored schoolhouse," and such other rights as may be therein contained, be, and the same are hereby, permitted and approved.

It is **FURTHER Ordered,** That the issue by said Home Gas Company of Salisbury, Md., of its increased capital stock to the amount of \$40,000, as and for the purposes in said application set forth, be, and the same is hereby, authorized and approved, provided that said capital stock shall be issued only for cash at not less than the par value thereof.

It is **FURTHER Ordered,** That said Home Gas Company of Salisbury, Md., shall report:

(a) Upon the sale for cash of its stock, authorized and approved as aforesaid, or any part thereof, the fact of such sale or sales, the terms and conditions thereof, and the amount realized therefrom.

(b) At the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said stock and the facts and circumstances as to the property acquired and the construction, completion, extension and improvement of its facilities.

But it is provided, and this order is upon the condition, that before any of the said additional stock shall be issued, a certified copy of the amended charter of the applicant authorizing such increase of stock shall be filed with this Commission.

ORDER No. 389

In the matter of the
Complaint of MARY H. BRADLEY ET AL.
vs.
CHESAPEAKE AND POTOMAC TELEPHONE
COMPANY.

Before the Public
Service Commis-
sion of Maryland.
Case No. 195.

Ordered, This 22nd day of August, 1911, that the respondent, when it shall have completed the improvement of its facilities as mentioned in its letter of August 7th, 1911, report to the Commission the fact of such completion and the facilities supplied to the complainants thereby.

ORDER No. 392

In the matter of
The Petition of the BALTIMORE AND OHIO
RAILROAD COMPANY for Permission to
File and Publish on Less than Statu-
tory Notice a Supplement to Existing
Tariff, Providing for Absorption of
Lighterage Charges on Fertilizers, Car-
loads, from Baltimore, Md., to Interior
Points.

Before the Public
Service Commis-
sion of Maryland.
Case No. 208.

This is a petition on behalf of the Baltimore and Ohio Railroad Company to be permitted to establish and publish on one day's notice to the Commission and the public a supplement to its tariff P. S. C., Md., No. 109, providing that all rates named in said tariff include lighterage within Baltimore lighterage limits, as per boundaries described in petitioner's tariff P. S. C., Md., No. 26, supplements thereto and re-issues thereof.

The company in filing its petition states that under its present tariff, lighterage is included in rates only when the same are \$1.40 per ton or higher, and that if permission is ac-

corded as requested, it will have the effect of authorizing free lighterage in Baltimore harbor, on carload shipments of fertilizers, as fertilizer material, regardless of rate. It is thereupon this 29th day of August, 1911,

Ordered, That the Baltimore and Ohio Railroad Company be and is hereby authorized to establish and publish on one day's notice to the Commission and the public a supplement providing that all rates named in its tariff P. S. C., Md., No. 109, shall include lighterage within Baltimore lighterage limits, as per boundaries described in petitioner's tariff P. S. C., Md., No. 26, supplements thereto and reissues thereof.

Provided, That a supplement to said tariff P. S. C., Md., No. 109, naming said change of rate be filed with this Commission and published by posting as required by law upon the issue of this order, and that all copies of such supplement shall bear the following notation:

“Issued under special permission of the Public Service
Commission of Maryland, of date August 29th, 1911,
Order No. 392.”

ORDER No. 393

<p>In the matter of</p> <p>The Complaint of the M. J. GROVE LIME COMPANY</p> <p style="text-align: center;"><i>vs.</i></p> <p>THE BALTIMORE AND OHIO RAILROAD Co.</p>	}	<p>Before the Public Service Commis- sion of Maryland.</p> <p style="text-align: center;">Case No. 209.</p>
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REPARATION CLAIM FOR \$19.10.

In this matter it appears that on March 28th, 1911, the complainants shipped from Lime Kiln, Md., a consignment of lime in barrels, consigned to R. H. Dawson, Mill Stone Landing, Patuxent River, Md., and routed via Locust Point, Md., and Maryland, Delaware and Virginia Railroad to destination. On this consignment the defendant company charged a rate of 16 cents per hundred pounds on minimum carload weight of

34,000 pounds, or a total of \$54.40. This was a through class rate, applied in accordance with defendant's tariff P. S. C. Md., No. 34. At the same time the defendant company had on file and in effect in its tariff P. S. C. Md., No. 82, a commodity rate on lime, carloads, from Grove, Md., to Locust Point, Md., for reshipment by water route, a rate of 75 cents per net ton. The connecting line by which this shipment was routed, viz., the Maryland, Delaware and Virginia Railroad, had on file and in effect its tariff P. S. C. Md., No. 8, containing a specific commodity rate on shipments of lime from Baltimore, Md., to points on Patuxent River, among which is the point of destination of the shipment in question, of 15 cents per barrel for shipments in barrels aggregating over twenty-five barrels. The shipment in question consisted of 105 barrels.

It is the opinion of the Commission that in accordance with the routing of the shipment in question, the sum of the two local commodity rates, plus the lighterage charge of the defendant company in Baltimore harbor, as provided in its tariff P. S. C. Md., No. 126, if lighterage was necessary, said total being less than the class rate mentioned, should have been applied to this shipment, and as complainants claims and defendant admits the rate applied to said shipments was excessive, and that the sum of the two local commodity rates, plus lighterage charge, would be a just and reasonable charge applied to said shipment;

It is, therefore, this 29th day of August, 1911, by the Public Service Commission of Maryland,

Ordered, That the complainant, the M. J. Grove Lime Company, is entitled to recover from the defendant, the Baltimore and Ohio Railroad Company, the sum of \$19.10 as reparation for and on account of the exaction by defendant of said unjust and unreasonable charge of \$54.40, the said sum of \$19.10 being the difference between the amount charged, \$54.40, and the sum of the two local commodity rates, plus lighterage charge, the said sum being \$35.30, which is the amount that should have been properly charged for transportation of the shipment aforesaid.

ORDER No. 394

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 172.
The Complaint of the EUREKA FERTILIZER COMPANY		
vs.		
PHILADELPHIA, BALTIMORE AND WASHING- TON RAILROAD COMPANY.		

REPARATION CLAIM FOR \$628.38.

In this matter it appears that between December 24th, 1908, and June 23rd, 1911, a number of shipments of phosphate rock were made by the complainants over the railroad of the defendant, from Baltimore, Md., to Bone Mill Siding, Md.; that by tariff of the defendant company effective November 23rd, 1908, through a clerical error a rate of 60 cents on the commodity mentioned between the points named was made to read per net ton instead of per gross ton as it had previously been. Upon the several shipments made as aforesaid during the period referred to, the rate of 60 cents net ton was applied.

Complainant claims and defendant admits that the rate of 60 cents net ton is unjust and unreasonable and that the rate of 60 cents per gross ton is a reasonable rate to be applied to shipments in question. The defendant company having by its Supplement No. 1 to its tariff C. C. P. S. C., Md., No. 37, re-established the rate of 60 cents per gross ton, it is therefore this 29th day of August, 1911, by the Public Service Commission of Maryland,

Ordered, That the complainant, the Eureka Fertilizer Company, is entitled to recover from the defendant, the Philadelphia, Baltimore and Washington Railroad Company, the sum of \$628.38 as reparation for and on account of the exaction by the defendant of said unjust and unreasonable charges for transportation of shipments of phosphate rock from Baltimore, Md., to Bone Mill Siding, Md., during the period from December 24th, 1908, to June 23rd, 1911.

ORDER No. 395

In the matter of

The Petition of the MARYLAND ELECTRIC RAILWAYS COMPANY for Permission to File and Publish on Less than Statutory Notice, a Supplement to Existing Tariff, Providing for Cancellation of Package Freight Rates between Baltimore, Md., and Annapolis, Md., as Set Forth in the Last Page of Petitioner's Tariff P. S. C. Md., No. 15.

Before the Public Service Commission of Maryland.

Case No. 210.

The above mentioned petition having been received and filed, and upon consideration thereof, it is, this 29th day of August, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be, and is hereby, given to the Maryland Electric Railways Company to file and publish on five days' notice to the Commission and the public, a supplement to its tariff P. S. C. Md., No. 15, cancelling package freight rates between Baltimore Md., and Annapolis, Md., as contained in the last page of its said tariff, A-1, P. S. C. Md., No. 15, provided that said supplement be filed with the Commission and published by posting as required by law upon the issuance of this order, and that all copies of such supplement shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 395, of August 29th, 1911."

The Commission, in giving its assent waiving the customary notice of this change, does not hereby give its approval to such change, same being subject to complaint, investigation and correction if it conflicts with any provision of the Public Service Commission Law.

ORDER No. 396

In the matter of

The Petition of the BALTIMORE AND OHIO RAILROAD COMPANY for Permission to File and Put into Effect on Less than Statutory Notice, Rates on Lime; Agricultural, Building, Chemical and Land, Carloads, and Limestone; Ground, Carloads, from Frederick, Grove, and Lime Kiln, Md., to Taneytown, Md.

Before the Public Service Commission of Maryland.

Case No. 211.

The petition in the above entitled matter recites that the rates applied for were in effect prior to May 1st, 1911, based on the proportional rates to Frederick, Md., applicable on traffic to destinations to which no through rates were published in combination with the local rates of the Pennsylvania Railroad from Frederick, Md., there being at that time no through rates in effect from and to the points named.

It further states that, effective May 1st, 1911, through class rates were published from points on the Baltimore and Ohio Railroad east of the Ohio River to all points on the Pennsylvania Railroad via various junctions, and that the application of said through class rates would make a higher rate between the points named than the rates in effect prior to May 1st, 1911. The company therefore asks permission to file and put into effect on one day's notice to the Commission and the public, the reduced rates in effect prior to May 1st, 1911.

It is, therefore, this 30th day of August, 1911, by the Public Service Commission of Maryland—

Ordered, That permission be, and is hereby, given the Baltimore and Ohio Railroad Company to file and publish on one day's notice to the Commission and the public, rates on lime, agricultural, building, chemical and land, carloads, and limestone; ground, carloads, from Frederick, Grove and Lime Kiln, Md., to Taneytown, Md., as specified in proof of tariff filed with the petition in this matter, provided a tariff containing the said reduced rates be filed with the Commission immediately upon the issuance of this order and be published by posting as

required by law, and that all copies of said tariff shall bear the following notation:

“Issued under special permission of the Public Service Commission of Maryland, Order No. 396, of August 30th, 1911.”

ORDER No. 397

In the matter of

The Application of the FREDERICK RAILROAD COMPANY for Authority to Purchase the Minority Interest of the Holders of Stock in the Frederick Gas and Electric Company, Consisting of 2,264 Shares of the Preferred Stock and 1,735 Shares of the Common Stock, Each of the Par Value of \$25 per Share, for the Sum of \$50,778.

Before the Public Service Commission of Maryland.

Case No. 204.

This is an application of the Frederick Railroad Company for authority to purchase the minority stock of the Frederick Gas and Electric Company, of which it now holds the majority, and also for authority to guarantee the payment of the bonds of said Frederick Gas and Electric Company now outstanding to the amount of \$181,500.

The affairs and relations of these companies have been so recently the subject of careful review by the Commission that it is not deemed necessary to file an elaborate opinion in this case. Under existing circumstances the Commission is of the opinion that the best interests of both concerns and of the public served by them will be served by the authorization asked for.

It is, THEREFORE, ~~Ordered~~, This 30th day of August, 1911, by the Public Service Commission of Maryland, that the Frederick Railroad Company be, and is hereby authorized to pur-

chase 2,264 shares of the preferred stock and 1,735 shares of the common stock of the Frederick Gas and Electric Company of the par value of \$25.00 per share, and to pay therefor the sum of \$50,778.00, and to place said shares of stock as collateral security for loans maturing in less than twelve months and until the further order of the Commission; and so soon as said purchase is completed, said corporation shall report the fact and the disposition of the same as collateral to this Commission.

IT IS FURTHER ~~Ordered~~, That the permission of this Commission is hereby granted to the Frederick Railway Company to guarantee the bonds of said Frederick Gas and Electric Company outstanding in the amount of \$181,500.00, as prayed in the application.

OPINION.

In the matter of The Application of the SUSQUEHANNA TRANSMISSION COMPANY OF MARYLAND for Authority to Issue \$1,131,000 of First Mortgage Five per Cent. Bonds.	}	Before the Public Service Commis- sion of Maryland. Case No. 141.
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Hearing May 17th, 1911. Decided June 23rd, 1911.
 Messrs. WILLIS and HOMER for Applicant.

LAIRD, Commissioner.

The Susquehanna Transmission Company of Maryland is a corporation organized under the laws of Maryland, by the consolidation of the Susquehanna Pole Line Company of Harford County and the Susquehanna Pole Line Company of Baltimore County by agreement executed April 11, 1910; and it obtained the permission and approval of this Commission to the exercise of its franchise in Harford County and Baltimore County by orders passed June 23, 1910, and September 21, 1910, respectively.

The present application is for authority to issue \$1,131,000.00 5 per cent. bonds, part of a total authorized issue of \$2,500,000.00, secured by a mortgage and deed of trust dated March 13, 1911, to the Knickerbocker Trust Company of New York. The capital stock of the company is \$50,000.00, of which only \$500.00 has been issued.

The scheme of financing and the facts of the case are unusual, and in order to fully present the case it is necessary to set them out in considerable detail as they are disclosed in the application, the statement of counsel at the hearing held May 17, 1911, and the records in the files of the Commission in Case No. 14.

The corporation is organized for the purpose of—

“Constructing, owning or operating telegraph or telephone lines in this State, and for the transaction of any business in which electricity, either over or through wires, may be applied to any useful purpose, and especially to buy, sell, operate or lease pole lines, erect poles, string wires thereon, or on poles of other individuals or corporations, on any and all streets, avenues, highways and roads, public or private, and over and under all canals and other waterways, and across any and all bridges, and to use the same either for the transmission of the electric current for delivery to customers on such lines or for transmission of current to independent vendors thereof, and for the transmission of current for any individuals or corporations producing or delivering the same to said corporations, and to sell or lease to either individuals or corporations the right to string electric wires on or attach electric wires to any or all poles so erected, owned or leased, and to use such lines both as through lines and for all local delivery, and to sell or lease wires, cables or fixtures for the transmission and use of electric current in any manner or form whatsoever, and to manufacture and deal in any and all apparatus and things required for or capable of being used in connection

with the transmission, delivery, accumulation and other employment of electrical energy and current or of electricity, to build and construct and use for any of the purposes stated above, underground subways or conduits, either under or across any streets, avenues, highways, roads, canals and waterways, and to string electric wires, cables or conductors therein, and to buy or lease from or sell or let to any other individual or corporation the right to string and to use as aforesaid electric wires, cables or conductors in such subways; to erect, operate, maintain and either lease or let the substations for raising or lowering the voltage of any electricity received by it for distribution over its lines and for the accumulation, storage, transmission and distribution of electric current, and to purchase, lease, hire, buy, sell or deal in any and all machinery used therein or in connection therewith, or convenient to its economical and practical operation.

“Also to act as common carrier of electrical power or energy by means of all appropriate or necessary structures, appliances, machinery, fixtures, devices, inventions or processes now or hereafter capable of being used in the transaction of any business wherein electricity or electric power or energy may at any time or place or in any manner be applied to any useful purpose.”

The charter further provides as follows :

“And the public in like situation with said company, its successors and assigns, whether individuals, partnerships or corporations, are hereby vested with and entitled to a right to apply for and demand of said company, its successors and assigns, all connections and facilities without discrimination or partiality to the extent of the just and reasonable distributing, transforming, carrying and connecting capacity and facilities of the said company, its successors and

assigns, provided such applicant comply or offer to comply with all reasonable rules, regulations, terms and rates of said company, and said company shall and must supply all applicants as aforesaid, in like situation as aforesaid, who may exercise their said right with such connections and facilities as aforesaid and to the extent and upon the condition aforesaid, and said company, its successors and assigns, shall not impose any conditions and restrictions upon any such applicant that are not imposed impartially upon all persons, corporations or partnerships in like situation with it; and further, the said company shall not discriminate against any such applicant engaged in any lawful business, or between any such applicants engaged in the same business by requiring as a condition for furnishing such facilities aforesaid that said facilities shall not be used in the business of said applicant or otherwise for any lawful purpose."

The material allegations of the application are:

"Second. Your petitioner now shows that the Susquehanna Pole Line Company of Harford County, one of the parties to said Agreement of Consolidation, possessed the power under its Certificate of Incorporation and the amendment thereto, as is fully set forth in said Agreement of Consolidation, to construct and maintain an electric transmission line or lines in Harford County, together with such buildings and appurtenances and telephone lines as might be necessary for its purposes, and the Susquehanna Pole Line Company of Baltimore County in like manner possessed the power to construct and maintain such transmission line or lines, buildings, telephone lines, etc., in Baltimore County, and that acting under such authority each of the said corporations had, prior to the execution of the said Agreement of Consolidation, been engaged in ac-

quiring such property as might be necessary to enable them to construct and maintain their transmission lines, and at the date that said Agreement of Consolidation was executed by them as aforesaid, had each acquired a considerable quantity of real estate in said counties, but neither of them had acquired sufficient for their purposes, nor had they constructed their transmission lines, and that since said consolidation your petitioner has acquired the greater part of its real property, and has constructed its transmission line and erected a large and expensive transformer house at Orangeville, Baltimore County.

“Third. Your petitioner further shows that its total authorized capital stock, as set forth in said Agreement of Consolidation, amounts to \$50,000, divided into 500 shares of the par value of \$100 each, and that five shares have been exchanged for ten shares of its constituent companies, for which the sum of \$1,000 in cash was received. All your petitioner's assets have been acquired with said sum, and with advances made to it by the McCall Ferry Power Company and the Pennsylvania Water and Power Company, the last-named company being a corporation organized under the laws of Pennsylvania in January, 1910, as a reorganization of the said McCall Ferry Power Company. The McCall Ferry Power Company, prior to such reorganization, was the owner of a large hydro-electric development in a partially completed state on the Susquehanna River at McCall Ferry, Pennsylvania, which development was acquired and completed by the Pennsylvania Water and Power Company. The McCall Ferry Power Company made advances to your petitioner's constituent companies to the amount of about \$100,000, for the purpose of providing funds for the survey and acquisition of lands for a transmission line from McCall Ferry to Baltimore on the basis

of an understanding that securities of such constituent companies or of the company to be consolidated therefrom would be issued therefor, and immediately after the formation of your petitioner by consolidation, to wit, on April 12, 1910, the terms of this understanding were expressed in a formal agreement to the effect that the Pennsylvania Water and Power Company would advance to your petitioner all such sums as might be necessary to complete its transmission line and erect its transformer house, together with all expenses connected therewith, provided that your petitioner would deliver it to such number of a total issue of \$2,500,000 first mortgage 5 per cent. bonds of the par value of \$1,000 each as at a valuation of \$900 per bond would equal the said amounts so advanced to your petitioner, and that said bonds should be secured by a mortgage or deed of trust on the property of your petitioner," and refers to copy of the agreement filed as Exhibit No. 1, and copy of mortgage filed as Exhibit No. 2.

"Fourth. Your petitioner further shows that it has now to a great extent completed the said transmission line, which extends approximately 32 miles from the boundary of the States of Pennsylvania and Maryland through Harford County and Baltimore County to a point at or near the boundary of Baltimore City, and that it became necessary to acquire therefor a strip of land 100 feet in width throughout the entire length thereof, and to erect thereon a large number of steel towers of various heights, upon which were strung aluminum cables for the transmission of electric current, and also to complete and equip with proper machinery the said transformer house, the total cost of such land, towers and transformer house amounting on the 1st day of April, 1911, to the sum of \$935,106.31, of which the sum of \$928,237.02 had been prior to said

1st day of April advanced to your petitioner or to its constituent companies by the Pennsylvania Water and Power Company and its predecessor, the McCall Ferry Power Company; and your petitioner shows that since the 1st day of April, 1911, your petitioner has incurred liability for additional expenditures in the construction of said transmission line, and that the Pennsylvania Water and Power Company has advanced or is about to advance the requisite funds for the balance of the cost of construction remaining unpaid on said 1st day of April and for the expenditure since said date; and your petitioner further shows that while your petitioner's said transmission line is so far completed that it is in successful operation, additional sums of money which your petitioner is not able to state with definiteness will be required for improving and putting in the highest state of efficiency the said line and the land upon which it is constructed."

Files herewith financial statement as of April 1, 1911, Exhibit No. 3, and detailed statement of expenditures, Exhibit No. 4.

"Fifth. Your petitioner now shows that it desires to comply with the terms of the said agreement entered into between it and the Pennsylvania Water and Power Company as aforesaid, and issue and deliver to the said company its bonds in discharge of the same, at the price set forth in said agreement, namely, at a valuation of \$900 per bond, which valuation your petitioner believes to be eminently fair and the highest valuation that could be realized from the sale of the same to any other person, and as an additional reason why it is to the advantage of your petitioner to comply with the terms of said agreement, your petitioner shows that it has effected another agreement with the Pennsylvania Water and Power Company, whereby your petitioner

agrees to transmit all the electrical current that the Pennsylvania Water and Power Company may desire to have transmitted to the said City of Baltimore, to the capacity of your petitioner's lines, and agrees to pay for such service an amount equal to the interest due on all of such bonds that may be outstanding, together with a sum sufficient to cover the entire net cost of operating, maintaining and repairing the said transmission lines and machinery of your petitioner."

And files said agreement as Exhibit No. 5.

This agreement, however, contains other provisions which it is important to notice. After reciting the existence of the transmission line and that the Pennsylvania Water and Power Company is "entitled to first mortgage 5 per cent. bonds of the Transmission Company of an aggregate par value of \$1,032,000 for advances made to April 1, 1911, and to additional bonds of the same series for advances since made, and will be entitled to further bonds upon making subsequent advances, pursuant to the contract between the parties," the transmission company agrees to receive at the State line such electricity and electrical energy as may be delivered to it by the power company, not exceeding the capacity of its line, and carry and deliver the same, less the natural loss of transmission, to the transformer station and there transform the same to such voltage as may be required by the power company, and thereupon make delivery thereof at said transformer station to purchasers from the power company, as it may direct; and also to maintain, operate and keep in repair the transmission line and transformer station, and pay taxes and insurance and other necessary expenses in connection therewith. In consideration of these undertakings, the power company agrees to forbear and waive the payment of the interest, and to endorse upon the bonds at each interest date a cancellation of the interest for the preceding six months, and that the cancellation shall be operative though the bonds are deposited with the trustee of the power company's mortgage, and all bonds of the transmission company received by the power company shall be

so far kept in the ownership and control of the power company that the interest thereon may be effectually cancelled, "or, if that be not done, that the power company will pay in cash to the transmission company an amount equal to the interest accruing on the bonds no longer so kept." The power company also agrees to pay to the transmission company on the first days of January and July in each year a sum equal to the cost of maintaining, operating and keeping in repair the transmission line and transformer station, and the taxes, insurance and other necessary expenses in connection therewith, for the preceding six months. "In arriving at the sum aforesaid, the power company shall be credited with the incidental revenue collected by the transmission company, including receipts for agricultural leases and farming rights and the sale of wood and other products, but not with the proceeds of lands sold."

With these intimate relations established, we shall hereafter call the Susquehanna Transmission Company of Maryland the transmission company, and the Pennsylvania Water and Power Company the power company.

The lines of the transmission company extend from Baltimore to the State line, where they connect with the lines of transmission companies chartered under the laws of Pennsylvania and form a continuous line from the plant at McCall Ferry to Baltimore.

All of the plans for the transmission line were prepared by the engineer of the power company, the actual construction was done by its employees, the expense of the work was borne by it, its accounts are kept in the office of the power company, and it has the right, under the agreement, to provide the plans for future extensions and to pay for them as it has paid for the work already done. In the language of counsel, it is "the actual property of, and paid for by, the Pennsylvania Water and Power Company," which is the virtual owner of all the stock. The explanation of the situation is that under the laws of Pennsylvania the power company has no corporate authority for building a transmission line outside of the township for which it is incorporated. Even in Pennsylvania it was necessary to form a company in each township and consolidate them into the Susquehanna Transmission Company of Pennsylvania.

The power company has no corporate right to own property outside of that State, and therefore when it came to building a line in Maryland it was necessary to organize a separate transmission company in this State. The whole financial scheme for the handling of the company in this State was agreed upon two years before the passage of the Public Service Commission Law. Except for the fact that we are dealing with two Commonwealths, the natural and rational method of building this transmission line would have been for the power company to have built and owned its transmission line."

Stripped of the technicalities of law, we are dealing with property which to all intents and purposes belongs to the Pennsylvania Water and Power Company, and to comply with the requirements of law, the transmission company was created for the sole purpose of holding the legal title to the land and other tangible properties. Under the terms of the agreement recited above, the transmission company can never accumulate a surplus or declare a dividend. Its income from all sources belongs to the power company. Its sole functions are to transmit to the customers of the power company the current they contract for (the price of which is paid directly to the power company), and to transmit to the power company such incidental revenue as may arise from the rent of lands and the transmission of current generated by other power companies which may demand the service—which at present is a negligible source of income. There is no doubt that the transmission line performs a useful purpose, not only for the power company, which would be deprived of a profitable market for its product without it, but also for the community to which it delivers the current. As an independent property, however, it is practically valueless, inasmuch as, in the language of counsel, "it has but one customer, and if anything happened to that one customer the security you have would not be worth five cents on the dollar."

Obviously, this state of affairs presents a difficult problem for solution. A desirable facility conveying a much needed commodity to a prosperous city, and costing more than a million dollars with prospective expenditures of more than twice that amount, offers as security for its bonds a property

which taken by itself has no commercial value and which, in case of a foreclosure of the mortgage, would bring no more than its worth as junk. It is argued that under the plan of financing submitted in the application the bonds are to be deposited with the trustee under the power company's mortgage as a sort of collateral for the bonds of the power company the proceeds of which have been expended in the construction of the transmission line—the purpose of this arrangement being to keep the properties in such close relations that in the event of trouble they would be mutually helpful in protecting the obligations of both companies. It is further argued that the proposed bonds are of a character which, upon the investigation which usually precedes the floating of securities, would render them unattractive to the business world, and thus tend to keep them in the control of the power company. Both contentions are probably sound, but it is true that provision is made for the contingency that they may get beyond the possession and control of the power company and its trustee, and the possibility that they may get into the hands of innocent holders who have neither the opportunity nor the capacity to investigate such matters, is one which this Commission cannot wholly disregard. In this connection it has been suggested that the Commission does not pass upon the adequacy of the security of the bonds which it may authorize to be issued. We do not altogether concur in this view. The authorization of an issue of bonds does not relieve the investor of the duty he owes to himself of making proper investigation, and the Commission's order carries no sort of guaranty, but the law imposes upon the Commission the duty of investigating not only the actual cost of properties which are offered, as security for bond and stock issues, but, as far as possible, their commercial value as well—in all cases assuming that the subsequent business management of the corporations will be efficient and honest—and the Commission would be derelict in its duty if it should approve a scheme which gave no promise of success as a business venture.

In saying this we do not intend to reflect upon the importance of the enterprise of which this transmission line is a part—in fact we have expressed above a different opinion of it.

But we think the closer the properties of the power company and the transmission company are knit together and held in unseverable relations, the better it will be for both corporations and for those who hold their securities.

In the course of the hearing counsel was asked if the power company would object to endorsing the bonds of the transmission company, but was unable to give an answer, as that subject had not been discussed. Since that time, however, we have been informed that such endorsement will be made if the Commission desires it. This will clarify the situation, as it will place the holders of bonds on the same footing with general creditors of the power company as to any balance that might be due after foreclosure of the transmission company's mortgage, and will strengthen the bonds. It will also tend to so link the properties together that in case of financial troubles they would necessarily be dealt with as a unit.

If the transmission company were an independent enterprise, the disproportion between the actual issue of stock, \$500.00, and the proposed issue of bonds to the amount of over \$1,100,000.00 would seem beyond reason; but, as a matter of fact, the transmission company, while in name distinct, is really a branch of the power company, an integral part, and a very important part of the main enterprise for which the power company was formed. Confined to the immediate neighborhood of McCall Ferry, electricity generated by the power company would have little or no practical value. It must seek a wider market, and this line enables it to reach the City of Baltimore, the nearest large customer. So necessary is the transmission line to the commercial success of the hydro-electric plant that without it the great dam would not have been undertaken. It was obvious that a power plant at that point without the means of distributing its product would be about as useful as a transmission line without any means of obtaining electric current. Both, therefore, were essential parts of one plan. The two parts are so intimately connected and so indispensable each to the other that ordinarily they would be combined in one entire system, but the fact that the dam is in Pennsylvania, while Baltimore is in the State of Maryland, necessitated the formation of two corporations. The invisible

line that separates the two States, however, has more substance than the legal fiction that parts these two corporations, which have one common purpose and one and the same management. Indeed, the power company not only controls but actually owns the transmission company; for while the five shares of stock issued by the latter were put in the names of as many individuals for the purpose of organizing the corporation, the power company supplied the money that paid for the stock and the nominal stockholders are its agents and representatives in the matter. The transmission company is merely the name under which the power company conducts one department of its general business.

If it had been practicable for the power company, a Pennsylvania corporation, to own and operate property of this kind in the State of Maryland, and it had bought at the price of \$900,000 and held directly in its own name all of the property that now stands in the name of the transmission company, we could be neither shocked nor startled if the power company, which has \$8,500,000 of stock and extensive credit, should apply for authority to issue \$1,100,000 of 5 per cent. bonds, secured by mortgage on this Maryland property, and to sell these bonds at 90 to provide the \$1,000,000 required to make payment. If we go back of the legal forms, that seems to be in substance the application which is now before us, since the power company has expressed its willingness to guarantee the bonds unqualifiedly. We could not undertake to approve an issue of bonds if the sole obligor were the empty shell of a corporation existing in name only; but that ground of objection seems removed if the power company clearly and unequivocally recognizes and acknowledges itself as the real debtor and declares the bonds to be its obligations.

We will not pass an order at this time, but will withhold it until the power company has taken such corporate action as may be necessary to conform to the views herein expressed, and has filed a duly authenticated copy of the same in these proceedings.

It is proper to add that the construction of this transmission line was begun before the Public Service Commission was created, and we had nothing to do with the corporation in the

early stages of its organization. As, however, it comes within the jurisdiction of the Commission, we must, to the extent of our power, so adjust its affairs as to make our supervision and control effective to protect the interests of the public who come in business contact with it.

ORDER No. 399

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 141.
The Application of the SUSQUEHANNA		
TRANSMISSION COMPANY OF MARYLAND		
for Authority to Issue \$1,031,000 of First Mortgage 5 per Cent. Bonds.		

WHEREAS, The Susquehanna Transmission Company of Maryland has applied to this Commission for authority to issue \$1,031,000 of its first mortgage 5 per cent. bonds at 90 per cent. on their face value, in payment of its indebtedness to the Pennsylvania Water and Power Company, said bonds to be secured by a mortgage and deed of trust dated March 13, 1911, to the Knickerbocker Trust Company of New York; and

WHEREAS, This Commission by its opinion filed in this proceeding on the 23rd day of June, 1911, approved said issue of bonds but withheld its order authorizing the same until the Pennsylvania Water and Power Company should agree, by appropriate corporate action, to guarantee the payment of said bonds and the interest thereon; and

WHEREAS, The Pennsylvania Water and Power Company by resolution of its board of directors, passed August 24, 1911, a copy of which has been duly filed in these proceedings, has agreed to endorse and guarantee said bonds in compliance with said opinion of the Commission; and

WHEREAS, In the opinion of the Commission the use of the capital to be secured by the issue of such bonds is reasonably required for the purposes of said corporation, to wit, the lawful refunding of its obligations;

It is therefore this 31st day of August, 1911, by the Public Service Commission of Maryland,

Ordered, That the Susquehanna Transmission Company of Maryland be, and is hereby authorized to issue its 5 per cent. bonds in the amount of one million and thirty-one thousand dollars (\$1,031,000), to be secured by a mortgage and deed of trust dated March 13, 1911, to the Knickerbocker Trust Company of New York, and to deliver the same to the Pennsylvania Water and Power Company in liquidation of its obligations due that corporation for moneys advanced to April 1, 1911, as set forth in its application and accompanying exhibits;

PROVIDED, That each and every of said bonds shall be guaranteed by said Pennsylvania Water and Power Company in accordance with the opinion of this Commission and the resolution of the board of directors of said corporation hereinbefore referred to.

IT IS FURTHER **Ordered,** That said Susquehanna Transmission Company of Maryland shall report to this Commission the fact of the issue and delivery of said bonds so soon as the same shall have been completed in accordance with this order.

ORDER No. 404

In the matter of

The Application of the BALTIMORE AND VIRGINIA RAILROAD COMPANY for Authority to Issue Its Capital Stock in the Amount of \$2,000,000 at the Par Value Thereof, and \$500,000 of Its 5 per Cent. Twenty-Year Bonds at 90 per Cent. of Their Face Value.

Before the Public Service Commission of Maryland.

Case No. 202.

WHEREAS, The Baltimore and Virginia Railroad Company has applied to the Public Service Commission for authority to issue its capital stock in the amount of two million dollars (\$2,000,000) and its 5 per cent. twenty-year bonds in the amount of five hundred thousand dollars (\$500,000); and

WHEREAS, In the opinion of the Commission, after due hearing, the use of the capital to be secured by said issue of stock and bonds is reasonably required for the purpose of said corporation as set forth in said application, to wit, the acquisition of property and the construction, completion, extension and improvement of its facilities;

It is therefore this 9th day of September, in the year 1911,

~~Ordered~~, By the Public Service Commission of Maryland,

1. That the issue by the Baltimore and Virginia Railroad Company of its capital stock in the amount of one million of dollars (\$1,000,000), and its 5 per cent. twenty year first mortgage bonds in the amount of five hundred thousand dollars (\$500,000), as and for the purposes in said application set forth, be, and the same is hereby, authorized and approved, provided that said \$1,000,000 of said capital stock of said Baltimore and Virginia Railroad Company shall be issued only for cash at the par value thereof, and that said \$500,000 of 5 per cent. twenty year bonds shall be sold at not less than 90 per cent. of their par value for cash, and provided also that the form of said bonds and of the mortgage securing the same be submitted to and approved by the Commission before any of said bonds are issued.

2. That said Baltimore and Virginia Railroad Company shall make reports, duly verified by affidavits, to this Commission as follows:

(a) Upon the sale for cash of its stock or bonds, authorized aforesaid, or any part thereof, the fact of such sale or sales, the terms and conditions thereof, and the amount realized therefrom.

(b) At the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said stock and bonds and the facts and circumstances as to the property acquired and the construction, completion, extension and improvement of its facilities.

ORDER No. 406

In the matter of

The Petition of the FREDERICK RAILROAD
COMPANY for Authority to File and
Publish on Less than Statutory Notice
Tariff Containing Rates on Grain, Car-
loads, from Certain Points in Maryland
to Frederick, Md., and Thurmont, Md.

Before the Public
Service Commis-
sion of Maryland.

Case No. 217.

This is a petition by Charles C. Waters, traffic manager, on behalf of the Frederick Railroad Company, for permission to file on less than statutory notice rates on grain, carloads, as follows:

To Frederick, Md.

From Lewistown, Md., Montevue, Md.,
and intermediate points..... 50c. per 2,000 pounds.
From Creagerstown, Md..... 65c. per 2,000 pounds.

To Thurmont, Md.

From Lewistown, Md., Blue Mountain
(Frederick County), Md., and inter-
mediate points..... 50c. per 2,000 pounds.
From Bethel, Md..... 65c. per 2,000 pounds.

Minimum carload weight to be 40,000 pounds.

It is stated by petitioner that the only rates applicable to the commodity above mentioned between the points named at the present time are class rates, which are stated to be prohibitive, and that the above mentioned commodity rates per net ton are less than the class rates mentioned.

Upon consideration of the aforesaid petition, it is, this 9th day of September, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be, and is hereby, given the Frederick Railroad Company to file and publish on one day's notice to the Commission and the public a tariff containing the commodity rates on grain, carloads, above set forth;

PROVIDED, The tariff containing said rates be published by posting, as required by law, and filed with the Commission immediately upon the issuance of this order, and that all copies of said tariff shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 406, of date September 9th, 1911."

ORDER No. 411

In the matter of

The Petition of the Carriers Named in the Official Classification by F. S. HOLBROOK, Their Agent, for Permission and Authority to File and Publish on Less than Statutory Notice a Supplement to Official Classification No. 37, Further Postponing the Effective Date of Certain Items in Supplement No. 5 until April 28th, 1912.

Before the Public Service Commission of Maryland.

Case No. 220.

The above entitled petition having been received and filed, and upon consideration thereof, it is, this 14th day of September, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be, and is hereby, given to the carriers named in the official classification by F. S. Holbrook, their agent, to file and publish on one day's notice to the public and the Commission a Supplement to official classification No. 37, further postponing the effective date of the following items in Supplement No. 5 until April 28th, 1912:

Page 9, item 6—

“Rule 15 (B).—No single package or small lot of freight of one class will be taken at less than 100 pounds at first-class rate, and in no case will the charge for a single consignment be less than 35 cents.”

Page 10, item 1—

“Rule 15 (C).—A small lot of freight of different classes will be taken at actual weight and at the class rate for each article, provided that the aggregate charge for the shipment shall be not less than for 100 pounds at first-class rates, and in no case shall the charge for the entire consignment be less than 35 cents.”

PROVIDED, A supplement showing such postponement of effective date be filed with the Commission and published by posting as required by law upon the issuance of this order, and that all copies of said supplement shall bear the following notation :

“Issued under special permission of the Public Service Commission of Maryland, Order No. 411, of date September 14th, 1911.”

ORDER No. 412

<p>In the matter of</p> <p>The Application of the UNION TELEPHONE COMPANY OF TRUMP, MARYLAND, for Authority to Issue Common Stock to the Amount of \$1,000.</p>	}	<p>Before the Public Service Commission of Maryland.</p> <p>Case No. 200.</p>
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The Union Telephone Company of Trump, Maryland, by the petition filed in this case, applies for authority to issue its com-

mon stock in the amount of forty shares at the par value of \$25 per share, making a total issue of \$1,000, to be sold at par, the proceeds to be expended in repairs and the improvement of the service.

As a matter of fact, the petition alleges, that in ignorance of the Public Service Commission Law, the stock was actually issued on the 9th of August, 1910, and the greater portion of the \$1,000 had been advanced to the company and expended as it was needed between November 1, 1909, and August 9, 1910, and the Commission is asked to ratify the issue of stock above mentioned.

The stock issued August 9, 1910, was illegally issued, and the Commission has some doubt as to its power to ratify such an issue. At all events, it is undesirable and unwise to make a condition which might lead to question of the validity of the stock certificates, inasmuch as they are dated in advance of the order of the Commission.

There is no doubt, however, that the money derived from that issue was received and used by the company, and that it was a proper capital expenditure.

Under the circumstances of the case, the certificates may be treated as evidences of debt, and they should be called in and cancelled and new certificates issued in their stead.

It is, therefore, this 15th day of September, 1911,

Ordered, By the Public Service Commission of Maryland, that the Union Telephone Company of Trump, Maryland, be, and is hereby, authorized to issue its common stock in the amount of one thousand dollars (\$1,000), being forty (40) shares of the par value of twenty-five dollars (\$25) per share, the capital to be secured by the issue of said stock being, in the opinion of the Commission, reasonably required for the said purpose of said corporation, to wit, the lawful refunding of its obligations, the forty (40) shares hereby authorized to be issued in exchange for the forty (40) shares heretofore issued as above stated, upon the surrender and cancellation of the certificates for the latter.

It is **FURTHER Ordered**, That the said Union Telephone Company of Trump, Maryland, shall within three months from the date of this order file with this Commission a report of its

proceedings hereunder, such report to set forth the names of the persons to whom the new shares are issued and the amount issued to each, and to be verified by the affidavit of at least two of its directors.

ORDER No. 413

In the matter of the Application of the

WEST VIRGINIA AND MARYLAND GAS
COMPANY OF WEST VIRGINIA for Permis-
sion and Approval of the Exercise of
Franchises in the City of Cumberland
and Allegany and Garrett Counties, in
the State of Maryland, and to Con-
struct Extensions of Its Lines Therein,
under Section 33 of the Public Service
Commission Law.

Before the Public
Service Commis-
sion of Maryland.

Case No. 203.

WHEREAS, The West Virginia and Maryland Gas Company of West Virginia has applied to this Commission for permission and approval of the exercise by said corporation of certain franchises hereinafter more particularly described, and to begin construction thereunder as in said application set forth; and

WHEREAS, The Commission has determined from said application and the exhibits filed therewith, and after due hearing, that the exercise of said franchises and the beginning of said construction are convenient for the public service;

IT IS THEREFORE ~~Ordered~~, This 15th day of September, 1911, by the Public Service Commission of Maryland that permission and approval are hereby given to the exercise by the West Virginia and Maryland Gas Company of West Virginia of the several franchises mentioned in said application, and to the extensions of the existing gas plant of said West Virginia and Maryland Gas Company of West Virginia, as set forth in said application, to wit:

(a) From Green street, near the westerly boundary of the City of Cumberland in the County of Allegany, State of Maryland, over a private right of way about 7,500 feet in length to a highway known as the National Pike, and along said last mentioned road in both directions a distance of about 12,750 feet, supplying an unincorporated community known as La Vale;

(b) From Kitzmiller, in Garrett County, State of Maryland, along the county highway about 9,500 feet to the unincorporated mining settlement or community known as Dodson, in said county, thence along the Main street and adjacent streets in said community to the mine adjacent to said community, about 4,400 feet in all;

(c) From the junction of South street and Old Town road in the City of Cumberland, in Allegany County, State of Maryland, along said Old Town road to an addition to and in said City of Cumberland known as Mapleside; thence along Maple, Fairview, Gleason, Chestnut, Sanford, Virginia, Anderson and Handle streets and Pennsylvania avenue—there being about 5,050 feet of three inch line and 3,750 feet of two inch line in said proposed extension; subject to the provisions of any order or grant from the County Commissioners of Garrett County, or any permission of the State Roads Commission of Maryland, or any ordinance or resolution of the Mayor and City Council of Cumberland, or any order or permit of the Allegany County road directors.

ORDER No. 417

In the matter of

The Petition of the BALTIMORE AND OHIO RAILROAD COMPANY for Permission to File and Publish on Less than Statutory Notice a Tariff Correcting Clerical Errors in Its Freight Tariff P. S. C. Md., No. 249, Affecting Rates on Crude and Furnace Limestone, Carloads, between Points in the State of Maryland.

Before the Public Service Commission of Maryland.

Case No. 221.

The above mentioned petition sets forth that the petitioner's tariff P. S. C., Md., 249, now on file with this Commission, was intended to supersede its tariff, P. S. C., Md., No. 69, and it was intended in the first mentioned tariff to include the same rates on crude and furnace limestone, carloads, between points in the State of Maryland, as were contained in petitioner's tariff, P. S. C., Md., No. 69. But through clerical error of the compiler of tariff, P. S. C., Md., No. 249, this was not done, with the result of cancelling through joint rates in some instances and advancing the rates in others, which was not intended and the petitioners therefore ask permission to correct the errors above mentioned effective October 2nd, 1911.

It is therefore, this 20th day of September, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be and is hereby given the Baltimore and Ohio Railroad Company to file and publish, effective October 2nd, 1911, a tariff correcting the clerical errors in its freight tariff, P. S. C., Md., No. 249, as set forth in memorandum attached to the petition herein.

PROVIDED, That said tariff correcting said errors be filed with this Commission and published by posting as required by law on the issuance of this order and that all copies of said tariff correcting said errors shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 417, of date September 20th, 1911."

ORDER No. 418

In the matter of

The Petition of the BALTIMORE AND OHIO RAILROAD COMPANY for Permission to File and Publish on Less than Statutory Notice a Rate of 40 Cents per Net Ton, Minimum Weight 50,000 Pounds, on Crushed Stone, Carloads, from Baltimore, Md., to Sykesville, Md.

Before the Public Service Commission of Maryland.

Case No. 222.

The above mentioned petition having been received and filed and upon consideration thereof, it is this 20th day of September, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be and is hereby given the Baltimore and Ohio Railroad Company to put into effect on one day's notice to the Commission and the public, a rate of 40 cents per ton of 2,000 pounds, minimum weight 50,000 pounds, on crushed stone, carloads, from Baltimore, Md., to Sykesville, Md.,

Provided, That the petitioner file with the Commission and publish by posting as required by law, a tariff or a supplement to an existing tariff containing the rate above set forth, upon the issuance of this order and that all copies of said tariff or supplement to existing tariff shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 418, of date September 20th, 1911."

ORDER No. 419

In the matter of

The Application of LOUIS RAFFETO AND
MERRITT W. PHARO, For Permission and
Approval of the Exercise of a Fran-
chise Granted by the Commissioners
of Chestertown, Md., and to Begin Con-
struction of a Gas Plant in Said Town.

Before the Public
Service Commis-
sion of Maryland.

Case No. 207.

WHEREAS, Louis Raffeto and Merritt W. Pharo have applied to this Commission for its permission and approval of the exercise of the franchise or right granted to them by the Commissioners of Chestertown, in Kent County, State of Maryland, by an ordinance passed on the 24th day of April, A. D. 1911, and also to permit and approve the beginning of the construction of a gas plant in said town in pursuance of the franchise or right in said ordinance contained; and

WHEREAS, Upon consideration of said application and the exhibits filed therewith, and after due hearing, this Commission has determined that such construction and such exercise of the franchise or privilege are convenient for the public service;

It is, therefore, this 21st day of September, 1911, by the Public Service Commission of Maryland,

Ordered, That it does hereby permit and approve the exercise by Louis Raffeto and Merritt W. Pharo of the franchise granted by the Commissioners of Chestertown by an ordinance passed April 24th, 1911, a copy of which is filed in these proceedings, to wit, to lay, own, operate and keep in repair at their expense, under the streets, roads, avenues, lanes and alleys of the town of Chestertown, sufficient lines of gas pipes and conductors, consisting of mains and laterals, to supply the customers of said grantees, their successors or assigns, with gas; and the beginning of the construction by said applicants of a gas plant in said town of Chestertown, such construction to be in all respects in accordance with the terms and conditions contained in the aforesaid ordinance.

ORDER No. 421

In the matter of

The Petition of the BALTIMORE AND OHIO RAILROAD COMPANY for Permission to File and Publish on Less Than Statutory Notice a Tariff Correcting Local Freight Tariff of Storage, and Switching Charges at Hay Warehouse, Mount Clare, Md., P. S. C., Md., 232.

Before the Public Service Commission of Maryland.

Case No. 223.

The petition filed in the above entitled matter recites that the petitioner's tariff above mentioned, No. 232, may be construed as making it mandatory that hay not consigned for track delivery on Belt Line or at Canton be unloaded into the warehouse at Mount Clare and that no provision is made therein for reconsignment until after the hay has been unloaded into the warehouse. It is therefore proposed by reissue of the tariff mentioned to so correct same that hay will not be required to be unloaded into warehouse if otherwise consigned and may be reconsigned either after unloading into warehouse or while on track awaiting unloading into warehouse, thus making more favorable conditions for shippers and consignees.

Upon consideration thereof, it is this 25th day of September, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be, and is hereby given the Baltimore and Ohio Railroad Company to file and publish on one day's notice to the Commission and the public a reissue of said local freight tariff of storage, and switching charges, P. S. C., Md., 232, which shall correct the said tariff, P. S. C., Md., 232, as above set forth.

PROVIDED, The said reissue be filed with the Commission and published by posting as required by law on the issuance of this order, and that all copies of said reissue shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 421, of date September 25th, 1911."

ORDER No. 424

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 66.
The Complaint of the MAYOR AND CITY OF		
EASTON		
vs.		
EASTON LIGHT AND FUEL COMPANY.		

WHEREAS, By Order No. 287 of this Commission passed on the 5th day of June, 1911, on the report and recommendation of its Chief Engineer in the above entitled proceeding the Easton Light and Fuel Company was directed to make certain changes and improvements in and to its gas plant and system for the purpose of improving the quality and flow of the gas supplied to the town of Easton and its inhabitants;

And WHEREAS, After many delays and all of the changes and improvements so ordered have at last been made and by practical tests, made in the presence of the Chief Inspector of this Commission, it has been demonstrated that while the plant of the said Easton Light and Fuel Company is capable of producing an adequate supply of gas of good quality and steady flow, the said plant has been so maintained and operated that the gas supplied to the said town of Easton and its inhabitants has constantly been of inferior quality and subject at times to needless failure;

It is thereupon this 25th day of September, 1911, by the Public Service Commission of Maryland,

Ordered, That the Easton Light and Fuel Company furnish to the town of Easton and such of its inhabitants as are or shall become customers of the said company an adequate and constant supply of gas of not less than twenty candle power and containing not more than twenty grains of sulphur per 100 cubic feet, the standard prescribed by law and by order of this Commission;

And it is **FURTHER Ordered**, That the said Easton Light and Fuel Company be and it is hereby notified and warned that in case of any neglect or failure on its part to furnish such supply, prompt measures will be taken to exact and enforce the

penalties provided by law for the failure, omission or neglect to obey, observe or comply with the order, direction or requirement of this Commission.

It is **FURTHER Ordered**, That this order shall take effect immediately upon being served upon the said Easton Light and Fuel Company and that the said company shall on or before the 2nd day of October, 1911, duly notify this Commission whether the terms of this order are accepted and will be obeyed.

ORDER No. 436

In the matter of
The Petition of the PENNSYLVANIA RAILROAD COMPANY for Permission to File and Publish on Less Than Statutory Notice, Tariff P. S. C., Md., No. 144, Containing Rates on Commodities from Pennsylvania Railroad Stations in Maryland, to Baltimore and Ohio Railroad Stations in Baltimore, Md.; and P. S. C., Md., No. 145, Containing Rates on Commodities From Pennsylvania Railroad Stations in Baltimore, Maryland, to stations on the Baltimore and Ohio Railroad in Maryland.

Before the Public
Service Commis-
sion of Maryland.

Case No. 231.

The above mentioned petition by reference to letter from W. A. Parker, assistant general attorney of the Baltimore and Ohio Railroad Company, dated September 14th, 1911, and on file with this Commission, states that the above mentioned tariffs are for the purpose of adjusting joint rates in order to eliminate the possibility of complaint on the part of the shipping public of Baltimore.

Upon consideration thereof, it is, this 27th day of September, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be and is hereby given the Pennsylvania Railroad Company to file and publish on one day's

notice to the Commission and the public, the above mentioned tariffs P. S. C. Md., No. 144, containing rates on commodities from Pennsylvania Railroad stations in Maryland to Baltimore and Ohio Railroad stations in Baltimore, Md.; and P. S. C. Md., No. 145, containing rates on commodities from Pennsylvania Railroad stations in Baltimore, Md., to stations on the Baltimore and Ohio Railroad in Maryland.

PROVIDED, That the aforementioned tariffs be filed with this Commission and published by posting as required by law on the issuance of this order, and that all copies of said tariffs shall bear the following notation:

“Issued under special permission of the Public Service Commission of Maryland, Order No. 436, of date September 27th, 1911.”

OPINION.

<p>In the matter of</p> <p>The Complaint of the EAST ARLINGTON IMPROVEMENT ASSOCIATION</p> <p>vs.</p> <p>SUBURBAN WATER COMPANY.</p>	}	<p>Before the Public Service Commis- sion of Maryland.</p> <p>Case No. 185.</p>
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Hearing September 20th, 1911. Decided September 27th, 1911.

AMBLER, Chairman.

At the hearing of this complaint, it developed that the defendant undertook to raise its rates on the 1st day of July, 1911, but inadvertently omitted to file with this Commission notice of the change as required by the Public Service Commission Law. The evidence clearly showed, however, that formal notice was given to all of its customers by mailing to each a printed circular setting forth the proposed change. The evidence also showed, with almost equal clearness, that the in-

crease is necessary to enable the defendant to obtain any reasonable return on the money actually invested in its plant. Owing to the failure to comply with the requirements of the statute, the increase could not lawfully take effect on the 1st day of July, but we think that good cause has been shown for allowing the change to be made now, on less than the usual statutory notice.

Not only have all of the persons interested had an opportunity to object to the proposed increase, but all of the objections have actually been presented and considered, and after a full hearing we are constrained to the view that the increase is reasonable and proper, even if not absolutely necessary to the continuance of the defendant's existence and of its service to the public.

The only result of requiring publication for thirty days, as the statute provides for ordinary cases, would be to postpone the increase until the 1st of November. The next quarter begins on the 1st of October, and if the new rates were made to take effect on the 1st of November, the next quarterly bill would have one month at the old rate and two months at the new rate. That would mean much inconvenience to the company without any compensating advantage to its customers, as the difference in each bill would be only a few cents, while the chance of confusion and misunderstanding would be very great. Under the circumstances, while we will sign an order sustaining the objections to the increase as of the 1st of July, we will also, on the defendant's petition, sign an order allowing it to change the rate on less than the usual statutory notice.

ORDER No. 437

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 185.
The Complaint of the EAST ARLINGTON IMPROVEMENT ASSOCIATION		
vs.		
SUBURBAN WATER COMPANY.		

WHEREAS, At the hearing of the above entitled cause it appeared that the defendant notified its customers of its intention to increase its charge for water furnished on and after the 1st day of July, 1911, but failed to file with this Commission notice of such change of rates as required by the Public Service Commission Law;

It is thereupon this 27th day of September, 1911, by the Public Service Commission of Maryland,

Ordered, That the Suburban Water Company be, and it is hereby enjoined from collecting or charging for water furnished during the quarter ending September 30th, 1911, any higher rates than the rate in force for the same service during the quarter ending June 30th, 1911.

ORDER No. 438.

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 232.
The Petition of the SUBURBAN WATER COMPANY for Permission to File and		
Publish on Less Than Statutory Notice		
Revised Schedule of Rates and Charges.		

The above mentioned petition having been received and filed, upon consideration thereof it is this 27th day of September, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be and is hereby given the Suburban Water Company to file and publish, effective October 1st, 1911, its revised schedule of rates and charges for water sup-

plied residences and for domestic and commercial purposes as set forth in the schedule attached to the above mentioned petition;

PROVIDED, That a tariff properly numbered, containing said revised schedule, be filed with the Commission on the issuance of this order and be published by advertising the same one time in some newspaper published in Baltimore City prior to said 1st day of October, 1911, and that a copy of same be posted in a public place in the main office of the company and that all copies of said tariff shall bear the following notation:

“Issued under special permission of the Public Service Commission of Maryland, Order No. 438, of date September 27th, 1911.”

ORDER No. 439

In the matter of

The Petition of the BALTIMORE AND OHIO RAILROAD COMPANY for Permission to File and Publish on Less Than Statutory Notice, Tariffs Containing Rates on Commodities from Baltimore and Ohio Railroad Stations in Maryland to Pennsylvania Railroad Stations in Baltimore, Md.; and from Baltimore and Ohio Railroad Stations in Baltimore, Md., to Stations on the Pennsylvania Railroad in Maryland.

Before the Public Service Commission of Maryland.

Case No. 233.

The above mentioned petition, by reference to letter from W. A. Parker, Assistant General Attorney of the Baltimore and Ohio Railroad Company, dated September 14th, 1911, and filed with this Commission, states that the above mentioned tariffs are for the purpose of adjusting joint rates in order to eliminate the possibility of complaint on the part of the shipping public of Baltimore.

Upon consideration thereof, it is this 28th day of September, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be and is hereby given the Baltimore and Ohio Railroad Company to file and publish on one day's notice to the Commission and the public, tariffs containing schedules of rates on commodities from Baltimore and Ohio Railroad stations in Maryland to Pennsylvania Railroad stations in Baltimore, Maryland, and from Baltimore and Ohio stations in Baltimore, Maryland, to stations on the Pennsylvania Railroad in Maryland.

PROVIDED, That the aforementioned tariffs be filed with this Commission and published by posting as required by law on the issuance of this order, and that all copies of said tariffs shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 439, of date September 28th, 1911."

OPINION.

(Decided October 2d, 1911.)

BELVEDERE HOTEL COMPANY <i>vs.</i> WESTERN UNION TELEGRAPH COMPANY OF BALTIMORE CITY.	}	Before the Public Service Commis- sion of Maryland. Case No. 201.
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LAIRD, Commissioner.

The petitioner in this case prays that an order be passed by the Public Service Commission commanding and directing the Western Union Telegraph Company of Baltimore City to re-establish a telegraph office in the Belvedere Hotel, which is owned by the petitioner, with an operator and the usual facilities for furnishing telegraph service.

In a similar case filed by the petitioner against the Western Union Telegraph Company and the Postal-Telegraph Cable

Company, Case No. 126, this Commission, by an opinion filed May 11, 1911, dismissed the petition mainly upon the ground that the hotel company declined to furnish equal accommodations to the two telegraph companies and suitable for their business, and having joined them in the complaint, it would be unjust for the Commission to separate them and give one of them an advantage over the other, under the circumstances of that case.

Since that time the hotel company has orally and in writing requested the Western Union Telegraph Company of Baltimore City to establish an office in the Belvedere Hotel, tendering it the necessary space in the telephone booth on the main floor, near the office and lobby of the hotel. The petition in this case is based upon the refusal of the telegraph company to comply with the request.

There are several questions presented by the record:

1. Has the Public Service Commission power to order the establishment of a telegraph office in a particular locality and in a particular building within that locality?

This question was discussed in case No. 126, above referred to. We see no reason to modify the conclusion reached in that case, that the Commission can require the establishment of telegraph offices in localities where there are not sufficient facilities, and this is frankly admitted by counsel for the defendant company. It follows, in our judgment, that a particular building may be designated if the public convenience so requires. The hotel company now tenders a location that is admitted by the local manager of the telegraph company in his testimony to be suitable for a telegraph office. In this we concur, and may without discussion of that question pass to other phases of the case.

2. Do the facts in this case show that the public convenience requires the establishment of a telegraph office in the Belvedere Hotel?

In the previous case we determined that if an office was required in the immediate vicinity of Charles and Chase streets the conditions were such that the hotel itself was the only desirable location for it. In view of the fact that the Western Union Telegraph Company maintains an office at 209 Richmond

street, distant five hundred and twenty yards from the Belvedere Hotel, it would seem to be necessary to show a special condition to justify an order of the Commission directing the establishment of an office at the hotel. The Richmond street office was established many years ago, when that part of the city was mainly occupied by residences. To persons familiar with the neighborhood it is convenient and accessible, but its location is such that strangers must have great difficulty in finding it. The evidence shows that the hotel has about one hundred and fifty permanent boarders and that more than eighty thousand guests register on its books in a year, and that very few persons outside of the patrons of the hostelry availed themselves of the telegraphic facilities previously installed therein. The public served is, therefore, a public in transit, demanding and requiring quick service as far as possible relieved of the delays and annoyances of messenger service, and unacquainted with the location of telegraph offices outside of the hotel. This part of the public is entitled to the "utmost service" as are other patrons of telegraph companies. While the messenger service is available it is not satisfactory to a transient guest whose time is usually engrossed by his business engagements and who may not be able to superintend, through messenger service, the despatch of important messages. That the telephone service is unsatisfactory is abundantly shown by the fact that, while "every telephone station is a telegraph office," only five per cent. of telegraph messages are forwarded by telephone to the telegraph offices. It seems to us, therefore, that there may be a part of the public for whom, from the nature of their use of public utilities special facilities may be provided without undue discrimination, and for whose convenience public service corporations may justly be required to provide such facilities, provided it can be done without loss and injury to the corporation. The telegraph companies recognize this, if we may judge from the fact that they establish special service in railroad stations, in stock exchanges, etc., which are used principally by classes of people who from their business or temporary location cannot be efficiently served by the other offices of the companies.

For these reasons, considering all the evidence in this case, we are of the opinion that the public convenience will be promoted by the establishment of a telegraph office in the Belvedere Hotel, and we are largely influenced in reaching this conclusion by the fact that we now have evidence of an insistent demand for the service which did not appear at the previous hearing.

In so ruling, however, it must be understood that the demand of the hotel company, as such, carries no weight with the Commission. It is the fact that it speaks for a part of the public, for which the present service is inadequate, that gives its petition standing, for unless the public is to be served the Commission is without power to act. It is further to be understood that an office established in the hotel must be in all respects a public office of the telegraph company, with all the facilities necessary to serve the public generally, and wholly free from any restrictions or interference by the hotel company which would impair the efficiency of the service or annoy or incommode the telegraph company or its employees.

3. We have intimated above that the telegraph company should not be required to establish an office under the circumstances of this case if its operation would result in loss and injury to it. It remains to consider whether this result would follow upon the establishment of an office in the Belvedere Hotel.

It appears that upon the withdrawal of the offices from the hotel in March last, the receipts of the Richmond street office of the Western Union Telegraph Company increased from \$2,424.28 for the five months April-August, 1910, to \$3,903.01 for the corresponding months in 1911—the only periods available for comparison—and that the expenses of the Richmond street office remained practically the same for both periods, while the expenses of the Belvedere Hotel office were eliminated, showing a net gain to the company of \$216.62. The monthly averages for the periods covered indicate an annual net revenue of \$6,591.72 for the Richmond street and Belvedere Hotel offices in 1910, and of \$7,111.68 for the Richmond street office in 1911, or an apparent gain of \$519.96 for the telegraph company under the present conditions. Under the former

agreement with the hotel company, the telegraph companies paid no rent and the hotel company obtained its telegraph service without cost. This arrangement cannot be renewed under the Public Service Commission Law, and the telegraph company would have to pay rent for its office and the hotel company would have to pay the current rates for its telegrams. The hotel company offers its office for a rental of \$35 per month, and estimates its expenses for telegrams at \$50 per month. The telegraph company would probably also obtain the business which went to the Postal-Telegraph Cable Company, and averaged \$39 per month net.

Assuming, as it is fair to do from all the figures and data before us, that the former conditions would prevail approximately, we should have:

Net receipts of Richmond and Belvedere offices....	\$6,591.72
Add net revenue of Postal-Telegraph Company.....	468.00
Add Hotel messages, estimated.....	600.00
	<hr/>
	\$7,659.72
Less rent of office.....	420.00
	<hr/>
Net revenue from two offices.....	\$7,239.72

as against \$7,111.68 from the Richmond street office as now operated.

While this statement is estimated to some extent, it is sufficiently exact to indicate that no material hardship would be placed upon the telegraph company by requiring it to establish an office in the Belvedere Hotel.

Our conclusions are, therefore:

1. That the convenience of a considerable part of the public, who cannot be efficiently served by the existing facilities of the Western Union Telegraph Company, requires the establishment of an office in the immediate vicinity of the Belvedere Hotel, and that the conditions are such that the hotel itself is the only available location for such office.

2. That the establishment of said office will not be a hardship upon said telegraph company.

3. That said telegraph company should not be required to establish such office in the hotel unless and until the Belvedere Hotel Company shall execute a lease for such length of time as will justify the telegraph company in establishing and maintaining said office, and containing such covenants and agreements as will protect it (the telegraph company) from the interference of the hotel company and in all respects preserve and safeguard the facilities of the telegraph company for the use of the public.

An order will be entered in accordance with this opinion.

ORDER No. 445

In the matter of
The Complaint of the BELVEDERE HOTEL
COMPANY
vs.
WESTERN UNION TELEGRAPH COMPANY OF
BALTIMORE CITY.

Before the Public
Service Commis-
sion of Maryland.

Case No. 201.

Pursuant to an opinion filed in the above entitled case, it is this 2nd day of October, 1911, by the Public Service Commission of Maryland,

~~Ordered~~, That the Western Union Telegraph Company of Baltimore City establish and maintain in the Belvedere Hotel at the southeast corner of Chase and Charles streets, in the City of Baltimore, in the State of Maryland, a telegraph office, and therein provide such service and facilities as shall be adequate, just and reasonable as required by the Public Service Commission Law;

PROVIDED, HOWEVER, That this order shall not become operative unless and until the said Belvedere Hotel Company shall execute a lease or agreement for such office on such terms and for such length of time as will, in the opinion of the Commission, justify the Western Union Telegraph Company of Baltimore City in establishing and maintaining the same, and containing such covenants and agreements as will, in the opinion of the Commission, protect said telegraph company

from the interference of the Belvedere Hotel Company in the management, conduct and operation of said office and in all respects safeguard and preserve the facilities of the telegraph company for the use of the public.

ORDER No. 449

In the matter of	}	Before the Public Service Commis- sion of Maryland.
Annual Reports of Public Service Corporations to the Public Service Commission of Maryland		

This matter being under consideration the following order was entered:

Ordered, This 6th day of October, 1911, that the secretary of the Commission be, and he is hereby directed to notify each and every company, firm or individual, whose annual report for the year ending June 30th, 1911, has not yet been filed, that unless such report is filed with the Commission on or before October 20th, 1911, the penalties prescribed by the Public Service Commission Law, will be enforced.

FURTHER Ordered, That the notice herein required shall be by service by mail of a certified copy of this order, on each and every corporation or person affected thereby.

ORDER No. 450

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 237.
The Complaint of KING AND FELTER		
vs.		
THE WESTERN MARYLAND RAILWAY COM- PANY.		

REPARATION CLAIM—\$40.59.

The petition in the above entitled matter recites that on July 26th and 27th, 1911, the complainants shipped over the line of the respondent, from Fulton, Md., to Arlington, Md., seven (7) carloads of sand, on which the respondent charged and collected a rate of 55 cents per net ton, aggregating \$148.33; that the said rate of 55 cents per net ton was assessed under respondent's tariff, I. C. C., No. 12; that at the date of said shipments, lower rates than that charged, were in effect from nearby points in direct competition with Fulton, Md.; that by its tariff W. M. P. S. C., Md., No. 124, effective August 4th, 1911, the respondent published a rate of 40 cents per net ton, on the commodity mentioned, between Fulton, Md., and Arlington, Md.; and therefore claims that said rate of 55 cents per net ton, was, under all the circumstances and conditions existing, excessive and unreasonable, which the respondent admits; it is, therefore, this 9th day of October, 1911, by the Public Service Commission of Maryland,

Ordered, That the complainants, King & Felter, are entitled to recover from the respondent, the Western Maryland Railway Company, the sum of \$40.59 as reparation for and on account of the exaction by the respondent of said excessive and unreasonable charge, the said sum being the difference between \$148.33, the amount charged, and \$108.24, the amount chargeable at the rate of 40 cents per net ton on the gross weight of the shipments in question, 541,200 pounds.

ORDER No. 451

In the matter of

The Application of the WASHINGTON, SPA
SPRING AND GRETТА RAILROAD COMPANY
for Authority to Issue Fifty Bonds of
the par Value of \$1,000 Each, at 85 per
Cent. of the par Value, for the Purpose
of Constructing an Extension of its
Tracks from Bladensburg to Berwyn,
Md.

Before the Public
Service Commis-
sion of Maryland.

Case No. 226.

WHEREAS, For the purpose of extending its railroad from Bladensburg to Berwyn Heights in Prince George's County under the authority conferred by Chapter 547 of the Acts of 1908, of the General Assembly of Maryland, the Washington, Spa Spring and Gretta Railroad Company of Prince George's County has filed with this Commission an application for an order authorizing it to issue its twenty-year five per cent. bonds to the amount of \$50,000, part of the series of \$500,000 of bonds secured or intended to be secured by its first mortgage to the United States Trust Company of Washington, D. C., dated January 1, 1909, under which bonds to the amount of \$236,000 have already been issued and are now outstanding; and

WHEREAS, From the evidence taken at the hearing of the said application it appears that the completion of so much of the said railroad will be convenient for the public service and will add considerably to the revenue of the applicant without any material increase of its operating expenses, and it also appears that the proceeds of the proposed issue of bonds will be sufficient to provide for the contemplated construction, and that there is no other source from which the applicant can obtain the funds needed for that purpose; and

WHEREAS, In the judgment of this Commission, advised by its general counsel, its duty is to endeavor as far as possible to improve the situation now existing without reference to transactions that occurred prior to the enactment of the Public Service Commission Law of this State;

It is thereupon this 9th day of October, 1911, by the Public Service Commission of Maryland,

~~Ordered~~, 1. That the said Washington, Spa Spring and Gretta Railroad Company be, and it is hereby authorized to issue and sell at not less than 85 per cent. of their par value fifty of the bonds described in and intended to be secured by its first mortgage aforesaid, to wit, the bonds numbered consecutively from 237 to 286, both inclusive, amounting in all to the sum of \$50,000, face value, and apply the proceeds to the construction of the said section of its railroad from Bladensburg to Berwyn Heights, a distance of about four miles; this Commission not undertaking to pass upon the status of any stock or bonds heretofore issued by the said applicant, but being of opinion that the use of the capital to be secured by the issue of bonds hereby authorized is reasonably required for the purpose of completing the said section of its railroad;

2. That immediately upon the sale of any of the said bonds hereby authorized, and on or before the expiration of each period of six months from the date of this order, the said Washington, Spa Spring and Gretta Railroad Company shall file with this Commission a report, duly verified as required by the rules of this Commission, setting forth the facts and circumstances of each sale and the amount realized therefrom and the disposition of the proceeds, and also showing the progress of the work of construction until the same is fully completed.

ORDER No. 453

In the matter of

The Petition of the BALTIMORE AND OHIO RAILROAD COMPANY for Permission to File and Publish on Less than Statutory Notice a Rate of 25 Cents per Net Ton, Minimum Weight 50,000 Pounds, on Sand, Carloads, from Curtis Bay, Md., to Rasin, Md.

Before the Public Service Commission of Maryland.

Order No. 239.

The above mentioned petition having been received and filed, and upon consideration thereof, it is this 13th day of October, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be, and is hereby given the Baltimore and Ohio Railroad Company to put into effect on one day's notice to the Commission and the public, a rate of 25 cents per ton of 2,000 pounds, minimum weight 50,000 pounds, on sand, carloads, from Curtis Bay, Maryland, to Rasin, Maryland.

PROVIDED, That the petitioner file with the Commission and publish by posting as required by law, a tariff containing the rate above set forth upon the issuance of this order and that all copies of said tariff shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 453, of date October 13th, 1911."

ORDER No. 454

In the matter of

The Petition of the NEW YORK, PHILADELPHIA AND NORFOLK RAILROAD COMPANY for Permission to File and Publish on Less than Statutory Notice, a Rate of 6 Cents per Barrel, Carloads, 275 Barrels Minimum, on Cull Sweet Potatoes from Salisbury, Md., to Eden, Md.

Before the Public
Service Commis-
sion of Maryland.

Case No. 240.

The above mentioned petition having been received and filed, and upon consideration thereof, it is this 13th day of October, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be, and is hereby given the New York, Philadelphia and Norfolk Railroad Company to put into effect on one day's notice to the Commission and the public, a rate of 6 cents per barrel, carloads, 275 barrels minimum, on cull sweet potatoes from Salisbury, Maryland, to Eden, Maryland.

PROVIDED, That the petitioner file with the Commission and publish by posting as required by law, a tariff or a supplement to an existing tariff containing the rate above set forth upon the issuance of this order and that all copies of such tariff or supplement shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 454, of date October 13th, 1911."

ORDER No. 458

In the matter of	} Before the Public Service Commis- sion of Maryland. Case No. 241.
The Complaint of the MARYLAND STATE ROADS COMMISSION	
vs.	
THE MARYLAND AND PENNSYLVANIA RAIL- ROAD COMPANY.	

REPARATION CLAIM FOR \$24.40.

This is a petition filed by the Maryland and Pennsylvania Railroad Company by Paul Gessford, its general freight agent, on behalf of the Maryland State Roads Commission, complainant, for permission to refund to said complainant, the amount collected by said railroad company from said complainant, in excess of a just and reasonable charge on a certain shipment of stone gravel between points on respondent's line, within the State of Maryland.

The petition states that on September 28th, 1911, the complainant shipped from Notre Dame, Md., to Forest Hill, Md., a carload of stone gravel, weight 61,000 pounds, on which was charged and paid the sum of \$42.70, being at the rate of 7 cents per hundred pounds, which was the only rate the respondent could apply, under existing tariffs; that there was in effect at the time of said shipment, respondent's supplement No. 7, to its tariff, P. S. C., Md., No. 1, under which there was in effect, a rate of 60 cents per net ton, on the commodity mentioned, between Baltimore, Md., and Forest Hill, Md., that Notre Dame, Md., the point of origin of the shipment mentioned, is an intermediate point on the line of the respondent between Baltimore and Forest Hill, Md., and it is therefore claimed, and admitted by the respondent, that the rate collected is unreasonable and excessive, and that the rate of 60 cents per net ton would be a proper and reasonable rate to be applied to the shipment in question.

Upon consideration of the matter it is this 16th day of October, 1911, by the Public Service Commission of Maryland,

Ordered, That the complainant, the Maryland State Roads Commission, is entitled to recover from the respondent, the Maryland and Pennsylvania Railroad Company, the sum of \$24.40 as reparation for and on account of the exaction by respondent of said excessive and unreasonable charge of \$42.70, the said sum of \$24.40 being the difference between the amount charged and collected, and the amount properly chargeable at the rate of 60 cents per net ton for the transportation of the shipment in question.

FURTHER Ordered, That the respondent herein, be and is hereby ordered to file with the Commission and publish on one day's notice under authority of the Commission's Circular No. 10D, upon the issuance of this order, a tariff or supplement, establishing a rate of 60 cents per net ton, carloads, minimum weight as at present established, on stone, broken and crushed, from Notre Dame, Maryland, to Forest Hill, Maryland, and

FURTHER Ordered, That unless otherwise ordered by the Commission, the said rate of 60 cents per net ton, carloads, minimum weight as hereby established, for the transportation of stone, broken and crushed, over the Maryland and Pennsylvania Railroad, from Notre Dame, Md., to Forest Hill, Md., shall remain in effect for one year from the date of this order.

ORDER No. 459

In the matter of

The Application of the HIGHLAND TELEPHONE COMPANY OF HARFORD COUNTY for Authority to Sell and Convey its Real Estate, and Other Properties Situate in the State of Pennsylvania to the Delta Telephone Company for the Sum of \$34,000 in Cash or in the Stock, Bonds or Other Evidences of Indebtedness Issued by Said Delta Telephone Company.

Before the Public Service Commission of Maryland.

Case No. 206.

From the application and exhibits filed in this proceeding and testimony taken at the hearing, it appears that the applicant, the Highland Telephone Company of Harford County, a Maryland corporation, has for several years owned and operated a telephone system which lies partly in the State of Maryland and partly in the State of Pennsylvania, and has lately waked up to the fact that, as a foreign corporation, it is not authorized to conduct operations in Pennsylvania. To meet this difficulty, a separate corporation under the name of the Delta Telephone Company, has been organized under the laws of Pennsylvania to own and operate so much of the property as lies in that State, and this Commission was asked to approve and authorize a transfer of the Pennsylvania property to such Pennsylvania corporation at the price of \$34,000, payable in cash, stock, bonds or other evidence of indebtedness, together "with a traffic agreement whereby the subscribers of the two companies will have the same service as now exists, at the same prices and no additional tolls beyond those now being charged, so far as the same may be made to conform to the laws of the United States and the rules and regulations of" this Commission. At the hearing it was shown that the Delta Telephone Company has an authorized capital stock of \$10,000, which has all been subscribed for at par, and we were then asked to permit the Highland Telephone Company to accept first mortgage twenty-five year 5 per cent. bonds, rather than

cash or stock, in payment for its Pennsylvania property, and the form of the mortgage intended to secure the proposed issue of bonds has been submitted to us for inspection. This mortgage is to be dated November 1, 1911, and in order to provide for future additions and extensions, as well as to cover the cost of the property immediately to be acquired, it provides for an issue of bonds to the amount of \$50,000. It covers all property of the Delta Telephone Company, present and prospective, and appears to contain the usual provisions for enforcement of the security. Our Chief Engineer reports as the result of his examination, that the valuation of the property is not excessive, but the applicant accepted our suggestion that the price be put at \$30,000 instead of \$34,000.

It is thereupon, this 16th day of October, 1911, by the Public Service Commission of Maryland,

Ordered, 1. That the sale and transfer by the said Highland Telephone Company of Harford County of all of its property situated in the State of Pennsylvania to the Delta Telephone Company at the price of \$30,000, payable in first mortgage twenty-five year 5 per cent. bonds secured by mortgage of the form this day submitted to this Commission, be and the same is hereby approved and authorized.

2. That immediately after such sale and on or before the expiration of each period of six months from the date hereof the said Highland Telephone Company shall file with this Commission a report, duly verified by affidavits of its President and Treasurer, setting forth the fact of such sale and the securities received therefrom and also showing the disposition of such securities until the whole of such securities or the proceeds thereof shall have been accounted for to the satisfaction of this Commission.

ORDER No. 465

In the matter of

The Petition of the HAGERSTOWN LIGHT
AND HEAT COMPANY for Permission to
File and Make Effective on Less than
Statutory Notice, New Schedules of
Reduced Rates for Gas.

Before the Public
Service Commis-
sion of Maryland.

Case No. 245.

This is a petition on behalf of the Hagerstown Light and Heat Company for permission to file a new schedule of rates for gas furnished consumers, containing reductions in rates to consumers of 5,000 feet of gas, or over, and to make same effective at once, applicable to gas consumed between regular meter reading dates in October, 1911, and such regular meter reading dates in November, 1911.

Accompanying said petition is a schedule showing the proposed reductions for consumption of gas in quantities of 5,000 feet and over, monthly; and said petition further states that said proposed schedule has already been published by advertisement in newspapers published in Hagerstown, Maryland.

On consideration thereof, it is this 26th day of October, 1911, by the Public Service Commission of Maryland,

~~Ordered~~, That permission be and is hereby given the Hagerstown Light and Heat Company, to file and make effective as above set forth, its reduced rates for gas, as set forth in schedule filed with its petition herein, and made a part of said petition.

PROVIDED, A schedule containing said rates be filed with the Commission immediately on the issuance of this order, and that all copies of such schedule bear the following notation:

“Issued under special permission of the Public Service Commission of Maryland, Order No. 465, of date October 26th, 1911.”

The Commission does not hereby approve any rates that may be filed under this permission, all such rates being subject to complaint, investigation, and correction if they conflict with any provision of the Public Service Commission Law.

OPINION.

In the matter of

The Application of the CRISFIELD LIGHT AND POWER COMPANY, a Corporation of the State of Delaware, for Permission and Authority to Issue Capital Stock to the Amount of \$20,876.69, and First Mortgage Bonds to the Amount of \$30,000.00.

Before the Public Service Commission of Maryland.

Case No. 198.

Hearing August 30th, 1911. Decided September 6th, 1911.

LAIRD, Commissioner.

The Crisfield Light and Power Company, a corporation incorporated under the laws of Delaware, under certificate dated October 22, 1910, with an authorized capital stock of \$50,000 was, by the certificate of the Secretary of State of Maryland, dated March 27, 1911, declared to be "entitled to transact business in the State of Maryland."

Prior to this date, however, Charles Owens, of Bridgeville, Delaware, for himself and his assigns, had obtained an ordinance of the Commissioners of Crisfield, passed June 8, 1910, granting him the franchise to erect a gas plant and lay mains, service pipes, etc., in the town of Crisfield; and associating with himself Robert R. Layton, actually constructed the plant in ignorance of the provisions of the Public Service Commission Law.

About the time of its completion, but before operations began, they took the necessary steps to turn the property and franchise over to the Crisfield Light and Power Company,

which they had previously incorporated for the purpose of managing the plant, and the assignment was made by proper indentures. On the 6th of June, 1911, the company applied to the Commission for its approval and permission to exercise the franchise, and by an order passed July 19, 1911, in Case No. 178, the permission and approval of the Commission were granted to the construction and operation by the Crisfield Light and Power Company of a gas plant and system in the town of Crisfield, Maryland, in accordance with the terms and provisions of the ordinance of the Commissioners aforesaid, and also to the said company's exercise of the franchise granted by said ordinance.

The company in the present application asks for authority to issue capital stock to the amount of \$20,876.69, and bonds to the amount of \$30,000.00 to pay for the properties taken over as above recited. It appears from the testimony and the exhibits filed in the case that the actual expenditures made by Owens and Layton up to the date of filing the application amount to the sum of \$44,240.06, to which is added fifteen per cent.—\$6,636.09—which, the petitions states, "is based on the usual ten per cent. allowance fixed by the builders' exchange to contractors and five per cent. as a reasonable bankers charge for supplying funds in such cases." This allowance would make a total present capitalization of \$50,876.69.

The engineer of the Commission has checked up the bill of costs and reports that the same is reasonable, and we find no difficulty in approving the items contained in it.

The item of fifteen per cent., above declared, is subject to some modification. Two items in the bill of expenditures, namely, "superintendence of construction, \$1,500.00" and "charter, franchise certificates, records, State and official fees, taxes and legal services, \$730.60," making a total of \$2,236.60, are items which are usually included in the ten per cent. allowance, and there appears to be a duplication of these items, which of course should not be the case. The banker's charge of 5 per cent. is a proper item of capitalization when it represents an actual outlay in marketing the securities of the corporation. It should not be allowed otherwise. In the present case the parties who constructed the plant and distribu-

tion system of the Crisfield Light and Power Company will be the owners of all of the stock and bonds of the corporation, issued to them in payment for moneys advanced by them from their individual funds for purposes of construction. There has been no intervention of bankers in the transaction, and it seems to us that an allowance for "banker's charge" under the circumstances would be an unjustifiable inflation of capital.

It does not appear, however, that anything has been claimed for interest on outlay during construction, and we think they are entitled to such an allowance for the period of one year, which would amount to the sum of \$2,654.42.

Summarizing these views we would have:

15% on \$44,240.60.....	\$6,636.09
Less 5% banker's charge, per petition.....	2,212.03
" Superintendence, per statement.....	1,500.00
" Charter, etc., " " 	736.60 4,448.63
	<hr/>
	\$2,187.46
Allowance for interest 1 yr. on actual outlay	2,654.42
	<hr/>
	\$4,841.88
Expenditures	44,240.60
	<hr/>
	\$49,082.48

From experience in other places it is safe to calculate that unforeseen demands will arise and that an immediate extension of services may be expected requiring expenditures properly applicable to capital account, and for this reason we see no objection to making the present capital \$50,000.00, which would afford free funds amounting to \$917.52 for immediate needs.

The Commission would as a rule, insist upon an issue of stock in an amount at least equal to the issue of bonds. In the present case, however, it is represented that certain arrangements for financing the company had been made before the parties knew of the existence of the Commission, by which provision was made for an issue of \$30,000 of bonds, and that extensions of the plant will be provided for out of issues of

stock which will eventually equal the amount of the outstanding bonds. Moreover, the mortgage provides for a sinking fund and the redemption of the bonds at the expiration of ten years. Under the peculiar circumstances of the case, therefore, the Commission will make an order authorizing the issue of capital stock in the amount of \$20,000 and the issue of bonds in the amount of thirty thousand dollars, in each case at the par value of the respective issues.

ORDER No. 468

In the matter of

The Application of the CRISFIELD LIGHT
AND POWER COMPANY, a Corporation of
the State of Delaware, for Permission
and Authority to Issue Capital Stock
to the Amount of \$20,876.69, and First
Mortgage Bonds to the Amount of
\$30,000.

Before the Public
Service Commis-
sion of Maryland.

Case No. 198.

WHEREAS, The Crisfield Light and Power Company, a corporation incorporated under the laws of the State of Delaware and "entitled to transact business in the State of Maryland," has applied for authority to issue its capital stock in the amount of \$20,876.69 and its bonds in the amount of \$30,000 bearing interest at the rate of six per centum per annum, to be secured by mortgage of all its property and franchises located in or near the town of Crisfield, in Somerset County, in the State of Maryland; and

WHEREAS, After due hearing in the opinion of this Commission, said corporation is entitled to a capitalization of fifty thousand dollars (\$50,000), to be distributed as hereinafter set forth, and the capital to be secured by said issue of stock and bonds is reasonably required for the purpose of said Crisfield Light and Power Company, to wit, the acquisition of property and the construction, completion, extension and improvement of its facilities.

IT IS THEREFORE, This 31st day of October, in the year 1911,
~~Ordered~~, By the Public Service Commission of Maryland:

1. That the issue by the Crisfield Light and Power Company of its capital stock in the amount of twenty thousand dollars (\$20,000) and of its six per cent. bonds in the amount of thirty thousand dollars (\$30,000), as and for the purpose in said application set forth, be and the same is hereby authorized and approved, provided that the said \$20,000 of capital stock and the said \$30,000 of bonds of said corporation shall be issued only for cash at the par value thereof.

2. That said Crisfield Light and Power Company shall report to this Commission:

(a) Upon the sale of its stock and bonds, authorized as aforesaid, or any part thereof, the fact of such sale or sales, the terms and conditions thereof and the amount realized therefrom;

(b) At the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said stock and bonds and the facts and circumstances as to the property acquired and the construction, completion, extension and improvement of its facilities.

OPINION.

<p style="text-align: center;">In the Matter of</p> <p>THE MAYOR AND COMMON COUNCIL OF MOUNT RAINIER, Md., and Various Citi- zens and Consumers of Gas of Mount Rainier and Surrounding Territory of Prince George's County, Md., and the MAYOR AND COMMON COUNCIL OF HYATTS- VILLE, Md., for Various Citizens and Consumers of Gas of Hyattsville and the Surrounding Territory of Prince George's County, Md., and CITIZENS OF BRENTWOOD AND SURROUND- ING TERRITORY OF PRINCE GEORGE'S COUNTY, Md., vs. HYATTSVILLE GAS AND ELECTRIC COMPANY.</p>	}	<p>Before the Public Service Commis- sion of Maryland. Case No. 127.</p>
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Hearing, September 13, 1911. Decided, November 8th, 1911.

AMBLER, Chairman.

As these three complaints are against the same company, touching the same subject and asking the same relief, they have been, with the consent of all parties, heard together and treated as one case. The subject of complaint is the unfair, unreasonable and extortionate price of gas.

Mount Rainier is an incorporated town of Prince George's County, immediately adjoining the District of Columbia. Hyattsville, also an incorporated town of Prince George's County, is two miles east of Mount Rainier, and Brentwood is an incorporated village, about half way between Mount Rainier and Hyattsville.

The defendant, the Hyattsville Gas and Electric Company, has its works at Hyattsville, and supplies the "surrounding

territory of Prince George's County," including Brentwood and Mount Rainier.

At the hearing, counsel for the several complainants stated frankly that their clients make no complaint of the quality of the gas and have no definite information as to what would be a fair price. They only know that they are required to pay \$1.50 per 1,000 cubic feet, while their neighbors just across the District line pay \$1.00 for the same quantity, and in Baltimore the charge is \$1.00 with 10 per cent. discount for prompt payment. They realize that difference in conditions makes some difference both in cost of production and in cost of distribution, but do not think that this should amount to as much as 50 per cent., and the real object of their complaint is to have an investigation that will determine what is a fair and reasonable price.

The answer of the company states that it was incorporated by Act of the General Assembly in 1906 and began the distribution of gas in 1907; that it has outstanding 860 shares (\$86,000) of capital stock, all of which was paid for in cash at its par value and the money, with the exception of about \$600, invested in physical property; that the plant is of substantial construction and was purchased at a reasonable cost; that it has been operated efficiently and economically, so far without any salaries or fees to the officers or directors, as well as without any dividend to the stockholders; that all of the earnings have been applied to extensions and improvement of the property; and while the company has no bonds outstanding, it still owes \$53,000 for money advanced by individual stockholders for construction purposes. The answer was accompanied by a summarized statement showing the result of operations for five months of 1907 and for the years 1908, 1909 and 1910, and by a copy of the balance sheet of December 31, 1910. The company also tendered all of its books and papers for examination at any time, and expressed its readiness to co-operate with and in every way facilitate a complete and thorough investigation of its affairs.

The balance sheet of December 31, 1910, made up without any deduction for depreciation, is as follows:

[illegible]

The statement of operating results shows the number of cubic feet of gas made and sold since the company began business, as follows:

	Made.	Sold.
Five months of 1907.....	2,252,100	1,970,400
year 1908.....	10,229,100	9,670,800
year 1909.....	14,706,400	13,963,500
year 1910.....	18,599,900	17,624,800

while the financial results for the same periods have been :

			Loss.	Net income
1907. Total income.....		\$ 2,829.36		
Operating expenses and taxes.....	\$ 3,018.50			
Interest.....	52.00	3,070.50	\$241.14	
	<hr/>	<hr/>		
1908. Total income.....		14,136.15		
Expenses and taxes.....	9,597.16			
Interest.....	1,744.94	11,342.10		\$ 2,794.05
	<hr/>	<hr/>		
1909. Total income.....		20,220.06		
Expenses and taxes.....	12,532.21			
	2,805.75	15,387.96		4,882.10
	<hr/>	<hr/>		
1910. Total income.....		25,451.53		
Expenses and taxes.....	13,969.05			
	3,218.99	17,188.04		8,263.49
	<hr/>	<hr/>		
Deducting loss in 1907.....				15,989.64
				241.14
				<hr/>
gives the net gain for the whole period.....				\$15,698.50

which is the amount of surplus and profits shown by the balance sheet.

The Chief Auditor of the Commission has made a careful examination of the company's books and records, and reports the statement and accounts furnished by its officers to be correct, but suggests that a proper allowance for depreciation would probably consume the entire net income. After thorough investigation, our Chief Engineer reports the plant substantial and well constructed, the gas of good quality, and the valuations not open to criticism, except possibly the one item of machinery (\$12,744.77), which appears relatively high, but cannot materially affect the cost of production as the output increases. The growth of the business has been both steady and rapid, and since the expenses have not increased in the same proportion with the earnings, there has been a constant gain in the annual net income. It is only in the last year, however, that this income has approached a sum that could be considered a fair return upon the capital invested. The recently filed report for the year ending June 30, 1911, shows a profit of \$8,795.55, but this again is without any deduction for salaries and without any allowance for depreciation. The value of the physical property, including the "stock on hand," is nearly \$150,000, and, including the four year's earnings which have been expended in additions to the plant, the investment of the stockholders is about \$100,000. While the property has probably not as yet begun to show any signs of deterioration, some provision must be made for that which is inevitable in the nature of things, and we think it reasonable that allowance should also be made for some compensation to the managing officers. We should consider 2 per cent. per annum a moderate estimate for depreciation and \$1,200 per annum a moderate allowance for salaries.

If from the last year's so-called net income..... \$8,795.55
we make these deductions:

For depreciation (2 per cent. of \$144,711.10)

say.....	\$2,800.00	
" salaries	1,200.00	
	<hr/>	\$4,000.00

It is readily seen that the net result..... \$4,795.55

is not an excessive return to the stockholders, whether the basis be the fair value of the property devoted to public use or the amount of cash actually invested.

We share the hope expressed by the company's officers that, if the business continues to grow at anything like the same rate, they will soon be able to reduce the price of gas to the consumer, and we hope that they are sincere in their profession of a desire and purpose to make reductions as soon as and as often as the earnings will permit; but we do not think that the company has yet quite reached the point where it could justly be required to make an immediate reduction of its price.

We will endeavor to keep watch upon the situation and see that the company does not hereafter impose upon its customers any greater charge than is necessary to yield a fair and reasonable return upon the value of its property actually devoted to the public use; but for the present at least we do not consider its price of \$1.50 per thousand cubic feet excessive.

We will therefore sign an order dismissing these complaints, without prejudice, however, to the right of any or all of the complaints to renew the application for an investigation whenever conditions may seem to warrant this—or to the right of the Commission of its own motion to make such investigation whenever the interest of the public may so require.

ORDER No. 471

In the matter of

THE MAYOR AND COMMON COUNCIL OF
MOUNT RAINIER, Md., and Various
Citizens and Consumers of Gas of
Mount Rainier and Surrounding Ter-
ritory of Prince George's County, Md.,
and the

MAYOR AND COMMON COUNCIL OF HYATTS-
VILLE, Md., for Various Citizens and
Consumers of Gas of Hyattsville and
the Surrounding Territory of Prince
George's County, Md.,
and

CITIZENS OF BRENTWOOD AND SURROUND-
ING TERRITORY OF PRINCE GEORGE'S
COUNTY, Md.,

vs.

HYATTSVILLE GAS AND ELECTRIC COMPANY.

Before the Public
Service Commis-
sion of Maryland.

Case No. 127.

These complaints, having the same subject and asking the same relief, have been, with the consent of all parties, consolidated and heard as one case, and the Commission having, after careful investigation and consideration, reached the conclusion that, for the reasons set forth in the opinion this day filed, it would not be just or proper at this time to require the defendant company to reduce the price of gas, as suggested by the complainants;

IT IS THEREUPON, This eighth day of November, 1911, by the Public Service Commission of Maryland,

Ordered, That each and all of the complaints in the above entitled proceeding be and the same are hereby dismissed, but without prejudice to the right of the complainants or any of them to renew the application for an investigation of the defendant company or for a reduction of its rates whenever conditions may so warrant or to the right of the Commission, of its own motion, to make such investigation whenever in its judgment the interest of the public may so require.

ORDER No. 476

In the matter of

The Petition of the WESTERN MARYLAND RAILWAY COMPANY, for Permission to File and Publish on Less than Statutory Notice, a Rate of \$1.60 per 2,000 Pounds on Hay, Carloads, from Baltimore, Md., to Motters, Md., and Emmitsburg, Md.

Before the Public Service Commission of Maryland.

Case No. 249.

The above mentioned petition having been received and filed, and upon consideration thereof, it is this 15th day of November, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be, and is hereby given the Western Maryland Railway Company to file and publish on one day's notice to the Commission and the public, a rate of \$1.60 per 2,000 pounds on hay, carloads, from Baltimore, Md., to Motters, Md., and Emmitsburg, Md., said rate to supersede class rate on hay, carloads, between the points mentioned, now shown in petitioner's tariff P. S. C., Md., No. 12;

PROVIDED, That the petitioner file with the Commission and publish by posting as required by law, a tariff containing rate above set forth, upon the issuance of this order, and that all copies of said tariff shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 476, of date November 15th, 1911,"

OPINION.

In the matter of	} Before the Public Service Commis- sion of Maryland. Case No. 230.
A. F. NICHOLSON ET AL., Committee, Etc.,	
vs.	
UNITED RAILWAYS AND ELECTRIC COM- PANY OF BALTIMORE.	

Hearing, October 23rd, 1911. Decided, November 17th, 1911.

AMBLER, Chairman.

Henry D. Mentzel on his own behalf and A. F. Nicholson, Dr. J. W. Smith, J. H. Thiemeyer, George S. Hickman, George Lewis and R. R. Owens, as a committee representing the Howard Park Improvement Association and the citizens of Howard Park filed complaints or protests against the change of service on the Woodlawn line proposed in a schedule which was filed and published by The United Railways and Electric Company on the 20th day of September, 1911, to become effective October 21, 1911. As the two complaints were on the same subject and had the same object, they were consolidated and heard together.

Woodlawn, formerly called Powhatan, is in Baltimore County, about two miles west of the western boundary of the city and about six and a half miles from the City Hall in a northwesterly air line. Just east of Woodlawn is Gwynn Oak Park, which is maintained by the railway company as an amusement and recreation park during the summer season, and about a mile northeast of that is Howard Park, a "development" of suburban residences. Two lines of railroad running from the city, one through West Forest Park and the other through West Arlington, meet at the intersection of Gwynn Oak avenue and the Liberty Road, a few hundred yards west of the city limits, and from that point, which is called Gwynn Oak Junction, a single line with double tracks runs through Howard Park and along the edge of Gwynn Oak Park to Woodlawn. Gwynn Oak Junction is designated the

limit of the city fare zone; and for a number of years, except during the summer excursion season, it was the terminus of the Mt. Washington line to Electric Park and West Arlington, while service between Woodlawn and the city was over the West Forest Park line with transfers at Walbrook Junction, which is within the city limits and about two miles southeast of Gwynn Oak Junction.

About a year ago, the railway company changed the routing of the cars so as to make Gwynn Oak Junction the terminus of the West Forest Park line and to give "through" service to Woodlawn over the Linden avenue line. To accomplish this the route of the Linden avenue cars was extended out Park Heights avenue to Belvedere avenue, and then along Belvedere avenue through West Arlington to Gwynn Oak Junction, and alternate cars of this line continued all the way to Woodlawn. Instead of the almost direct course through Walbrook, this makes a very circuitous route, as the distance from Woodlawn to the City Hall by the Linden avenue line is about ten miles, while the distance by the West Forest Park line was eight miles and by an air line, as we have said, about six and a half miles; but this new "Woodlawn line, as it is now known gives a continuous ride to the center of the city without any transfer or change of cars, and that is an advantage never before enjoyed by the residents of Howard Park and Woodlawn.

So long as the so-called "Residents' Books" were in use, persons living on the line of the railroad west of Howard Park, but only such "residents," could purchase tickets at the rate of one and two-third cents each for a single trip, or two and one-third cents for a round trip, between Woodlawn and Walbrook Junction, and as the ordinary five cent fare would take them from Walbrook to any other point within the city limits, they could go from Woodlawn to any part of the city at a cost of six and two-third cents one way, or thirteen and one-third cents for the round trip. Residents of Howard Park paid five cents for two tickets, one good between Howard Park and Walbrook Junction and the other good between Walbrook Junction and any other part of the city, which for such residents made the rate between Howard Park and the city the same as the ordinary single fare. This reduced rate to "resi-

dents" was intended to encourage suburban development and in that way increase the traffic of the railroad, and it did unquestionably have that effect. According to the testimony in this proceeding, during the last ten or twelve years more than a hundred families have invested over half a million dollars in homes at Howard Park, and there has been similar development, although less extensive, at other points along the railroad.

When it was determined that the sale of tickets at reduced rates to "residents," but not to any other persons, constituted a discrimination such as the Public Service Commission Law prohibits, the railway company found itself unable or unwilling to accord the same rates to the general public, and the "Residents' Books" were promptly withdrawn. The unexpected withdrawal of these books was a great hardship to the people who had bought property and built their homes on the faith of the long established practice and without any apprehension that rates, maintained, as they say, for years when the cars were running practically empty through fields and woods, would be suddenly raised when the open country had become virtually part of the city and crowded passengers converted these same cars into a source of substantial revenue.

To the people of Howard Park the blow was softened by the fact that, when the railway company arranged its winter schedule last year, it established an "overlap" between Gwynn Oak Junction and Wayne avenue, near the west end of Howard Park, which brings almost the whole of Howard Park substantially within the city zone, and permits a ride from Wayne avenue to any part of the city for a single fare. It seems that this privilege has been abused to a certain extent; for, as a rule, the fares of those who enter the cars within the overlap are not collected until they pass beyond its border, and not infrequently advantage is taken of this omission to obtain a free ride from one end of the overlap to the other by persons whose business or pleasure does not happen to require them to cross the line. However that may be, all who enter or leave the cars west of Wayne avenue have to pay a second fare, and the privilege or concession granted to residents of Howard Park accentuates the hardship to the people of Woodlawn, who

after coming for a single fare all the way from the City Hall to Wayne avenue, a distance of about nine miles, find themselves obliged to pay another five cents for the short ride, hardly more than a mile, that is needed to take them to their homes.

Partly to relieve the Woodlawn situation and partly to eliminate the abuse of the overlap, the railway company now proposes to make Gwynn Oak Junction the terminus for the West Arlington or Linden avenue line, as well as for the West Forest Park line, and to substitute what the complainants in this case call a "jerk water" service between Gwynn Oak Junction and Woodlawn for the "through" service that has been in force during the past year. During the winter months, that is, from October to April, the company proposes to run a car or cars between Woodlawn and the Junction with a twelve-minute "headway," or interval, in each direction. The conductors on these new Woodlawn cars will issue to each east-bound passenger on payment of the five cent fare a ticket good over either line from Gwynn Oak Junction to the City Hall, or any other point in the city that can be reached with the ordinary single transfer; and on the return trip the west-bound passenger upon leaving either a Linden avenue car or a West Forest Park car at Gwynn Oak Junction will receive an "identification" slip or ticket to show that he is entitled to transportation as far as Woodlawn without additional charge.

Exactly why there should be a "ticket" in one direction and an "identification slip" in the other direction instead of the ordinary "transfer," with which every one using our street cars is familiar, has not been made entirely clear to us; but we understand in a general way that, being now required to issue only a single transfer to any one who asks for it at the time of paying his fare, the company is averse to opening a way for the demand of a second transfer or, as it is commonly expressed, of a transfer upon a transfer, and seeks to avoid the difficulty by means of the ticket and identification slip.

Naturally enough the Woodlawn people are in favor of any change that will give them a five cent fare into the city, and the railway officials urge as an advantage of this particular

change that it will give quicker and more frequent service to the whole territory west of Gwynn Oak Junction. As now operated, the Linden avenue cars have a seven and a half minute headway to Gwynn Oak Junction, but since only alternate cars run through to Woodlawn, the interval at Woodlawn and Howard Park is fifteen minutes in each direction, and as the West Forest Park line has a twelve minute "headway," it rarely happens that the two lines make close connection at the Junction. Passengers from either Woodlawn or Howard Park who desire to come into the city by the West Forest Park line, or to return by that route, usually encounter a delay of from five to fifteen minutes at Gwynn Oak Junction; but it appears that even under the present arrangement, and in spite of the delay occasioned by the failure to make close connection, nearly one-third of the passengers transfer at the junction, because they prefer the shorter route. If the new schedule is adopted, the Woodlawn cars and the West Forest Park cars will have the same "headway" of twelve minutes and can therefore be expected to make reasonably close connection; and as the Linden avenue, or West Arlington, line has a seven and a half minute "headway" at the junction any who may want to come to the city by that line cannot under any circumstances have to wait more than six or seven minutes for the transfer. Moreover, as the lines are now operated, any delays encountered in the passage through the city are reflected at the end of the line, and while the interval between cars west of the junction is never less than fifteen minutes, it frequently rises to a half hour and occasionally to a full hour. Under the proposed change, while the so-called "jerk water" service will have the inconvenience of a transfer at the junction, it will escape all the delays incident to city traffic and can run on a fixed and regular schedule, and at the junction delays will be less serious, as there will then be a choice between two lines and both are not likely to be delayed at the same time.

But the change so welcome to the people of Woodlawn is bitterly opposed by the residents of Howard Park. Indeed, at the hearing before the Commission, counsel for the railway company briefly stated the reasons that in the judgment of

the company made the change desirable, and then stood aside to let the two communities fight it out between themselves.

The residents of Howard Park with one voice now insist that the comfort of a continuous ride to the center of the city without any change of cars more than compensates for the time lost in making a long circuit; but last year when the Linden avenue line was first extended to Woodlawn, its "unnecessary and absurd length" was for several months the subject of constant and vigorous complaint. At the hearing of this case, it seemed to us that there was much force in the objection that, since the West Forest Park cars do not go south of North avenue until they reach the extreme eastern part of the city, and a transfer from that line is required to reach the business centre, it follows that when the "jerk water" stops at Gwynn Oak Junction, it will be necessary to change cars twice on every trip between Howard Park or Woodlawn and the City Hall. The complainants insist that one transfer means delay and inconvenience, and two transfers will be an intolerable nuisance; but if, as is promised, the cars make close connection, we do not think that this can involve much real discomfort, and if any consider the second transfer "intolerable" they will have the alternative of the West Arlington cars, which run at a short interval and combine the "continuous" ride with the longer route to the City Hall.

It was also urged, apparently with equal earnestness, that, as a transfer point, Gwynn Oak Junction is for all persons and at all hours unsuitable, unsightly and uncomfortable, and for ladies, particularly at night, even unsafe; but we cannot attach much weight to that suggestion. The members of the Commission visited the locality for the purpose of a personal inspection, and, from the picture drawn by so many witnesses at the hearing, we were prepared to find a lonely nook in the country, with surroundings gloomy and unpleasant, if not actually offensive. Instead of that, we found the junction at the intersection of two roads, which have much the appearance of streets. On one corner is a large drug store, to all appearances clean and nice and entirely respectable. On each of the other three corners is a substantial dwelling house and immediately adjoining at least one of these is a solid row of build-

ings that extends about half the length of an ordinary city block. Other houses have well kept yards about them, and, as far as we could observe, the neighborhood is clean, well lighted and exceptionally free from disagreeable surroundings. The street traffic, it is true, is not that of a busy centre, and a policeman is not always in sight, but the means of protection and safety are about the same that are usually found in the residence quarter of a city. It might not be just to take this as illustrating the general character of the objections raised by the complainants; but it could not fail to suggest some measure of exaggeration, and we do not think that the complainants have either overlooked or underestimated any feature of the proposed change that could be regarded as at all open to criticism.

Unquestionably, the necessity of changing cars at least once on every trip to or from the city, is more or less of an annoyance. It would be a delightful condition of railway service if every one could be carried in a comfortable seat from his own door directly to any and every point that he might desire to reach without any transfer or other delay; but the ordinary citizen does not seem to demand or expect quite that degree of perfection. In the city most people are satisfied if the cars carry them within one or two squares of their objective point, and if the distance for either riding or walking can be shortened by means of a connecting line, the transfer is not generally regarded as a great hardship.

The railway company says that to extend both the West Forest Park line and the Linden avenue line to Woodlawn, which the complainants urge as the best solution of the problem, would give to Howard Park and Woodlawn a greater number of cars than the traffic would justify, and would at the same time increase commensurately the difficulty of rendering prompt and efficient service on so much of each line as lies within the city. The company also says—and other complaints made to our Commission corroborate the statement—that if only one line is to be extended, opinions are greatly divided as to which of the two should be selected for that purpose; and even though the “jerk water” should fail to give the satisfaction that is now hoped, the experiment for a few

months will at least show conclusively which line will afford the "through" service desired by the greatest number. The tickets and identification slips will furnish unmistakable evidence on that point.

We do not think that it would be just to require the railway company to extend both lines to Woodlawn and run cars at an interval of less than seven minutes through territory so sparsely settled. We realize that "jerk water" service means a certain amount of inconvenience; but in this instance that will be to some extent offset by shortening the interval between cars west of the junction from fifteen minutes to twelve minutes and by giving at the junction a choice between two lines, which will insure against any serious delay in making the transfer. To our minds the inconvenience to the residents of Howard Park will be slight in comparison with the great advantage of reduced fare to the people at or near Woodlawn, and while we regret that it is impossible to satisfy both communities, on a careful review of the whole situation, we are constrained to give preference to the latter.

If the experience shows that the change works any real injustice or hardship, it will at any time be within our power to order a restoration of the former service; but for the present at least we feel that we ought to permit a trial of the experiment. Before undertaking to make a final disposition of this case, we will sign an order allowing the railway company to put the proposed change into effect, but requiring it to keep a record of passengers transferring at Gwynn Oak Junction that will show the course of travel to and from Woodlawn and Howard Park.

ORDER No. 480

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 230.
A. F. NICHOLSON ET AL., Committee, Etc.,		
vs.		
UNITED RAILWAYS AND ELECTRIC COMPANY OF BALTIMORE.		

For the reasons stated in the foregoing opinion, it is this 17th day of November, 1911, by the Public Service Commission of Maryland,

Ordered, That The United Railways and Electric Company of Baltimore be, and it is hereby authorized to put into effect until the further order of this Commission the change of service on its Woodlawn line proposed in the schedule filed and published by said company on the 20th day of September, 1911, effective October 21st, 1911;

PROVIDED, HOWEVER, That the said company shall, and it is hereby ordered and required to make and keep a record of the passengers transferring to or from each of the lines meeting at Gwynn Oak Junction, so as to show the usual course of travel between Baltimore City and Howard Park or Woodlawn.

ORDER No. 481

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 252.
The Petition of the BALTIMORE AND OHIO		
RAILROAD COMPANY for Permission to		
File and Publish on Less than Statu- tory Notice, a Rate of 60 Cents per 2240 Pounds on Pig Iron, Carloads, Minimum Weight as per Official Classi- fication, from Curtis Bay, Md., to Sparrows Point, Md.		

The above mentioned petition having been received and filed, and upon consideration thereof, it is this 17th day of November, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be and is hereby given the Baltimore and Ohio Railroad Company to put into effect on one day's notice to the Commission and the public, a rate of 60 cents per ton of 2240 pounds on pig iron, carloads, minimum weight as per official classification, from Curtis Bay, Md., to Sparrows Point, Md.

PROVIDED, A tariff containing said rate be filed with this Commission and published by posting as required by law upon the issuance of this order and that all copies of said tariff shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 481, of date November 17th, 1911."

ORDER No. 484

In the matter of

The Petition of the BALTIMORE AND OHIO RAILROAD COMPANY for Permission to File and Publish on Less than Statutory Notice, Reissue of Tariff Coal and Coke Series P. S. C., Md., 142, Demurrage.

Before the Public Service Commission of Maryland.

Case No. 254.

This is a petition to file and publish on less than statutory notice reissue of above mentioned tariff effective December 1st, 1911, with the intent to more clearly specify the time from which demurrage will be computed.

Upon consideration thereof, it is this 21st day of November, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be and is hereby given the Baltimore and Ohio Railroad Company to put into effect the aforementioned tariff on December 1st, 1911,

PROVIDED, The said reissue be filed with this Commission and published by posting as required by law not less than one day prior to said December 1st, 1911;

PROVIDED FURTHER, That all copies of said tariff shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 484, of date November 21st, 1911."

ORDER No. 485

In the matter of	} Before the Public Service Commis- sion of Maryland. Case No. 255.
The Complaint of E. E. PERKINS	
vs.	
NORTHERN CENTRAL RAILWAY COMPANY.	

REPARATION CLAIM FOR \$15.00.

The petition in the above entitled matter recites that on May 30th, 1911, the complainant shipped over the line of the respondent from Glendale, Maryland, to Catonsville, Maryland, a carload of pine wood on which the respondent charged and collected a rate of \$1.40 per net ton, aggregating the sum of \$28.00; and the said rate of \$1.40 per net ton, was assessed under respondent's tariff G. O., P. S. C., Md., No. 78; that since the date of shipment the respondent has established a rate on the commodity mentioned, between the points named, of 65 cents per net ton, which last mentioned rate was established by Supplement No. 5 to respondent's tariff, C. C., P. S. C., Md., No. 37, effective August 30th, 1911; that said rate of 65 cents per net ton between the points named is a fair and reasonable rate to be applied to the shipment mentioned and that the rate of \$1.40 per net ton charged and collected as aforesaid is excessive and unreasonable, which the respondent admits.

It is therefore, this 21st day of November, 1911, by the Public Service Commission of Maryland,

Ordered, That the complainant, E. E. Perkins, is entitled to recover from the respondent, the Northern Central Railway

Company, the sum of \$15.00 as reparation for and on account of the exaction by respondent of said excessive and unreasonable charge, the said sum being the difference between \$28.00, the amount charged and collected and \$13.00, the amount chargeable at the rate of 65 cents per net ton on the gross weight of the shipment in question, 40,000 pounds.

ORDER No. 486

In the matter of

The Application for Authority to Consolidate the ROLAND PARK COMPANY OF BALTIMORE CITY with the GUILFORD PARK COMPANY OF BALTIMORE CITY, and to Transfer to the Consolidated Company all of the Franchises, Properties and Rights of Said Two Companies, and for Further Authority to Issue Preferred and Common Stock of the Said Consolidated Company.

Before the Public
Service Commis-
sion of Maryland.

Case No. 250.

The Roland Park Company of Baltimore City and the Guilford Park Company of Baltimore City filed with this Commission, on Thursday, November 16th, 1911, an application for authority to consolidate and further asking for authority to issue certain preferred and common stock in the amounts and for the purposes set out in the application.

Both of the companies thus desiring to consolidate were organized for and are now engaged in the development and sale of real estate and, as an incident to its real estate business, the Roland Park Company of Baltimore City owns and operates a water plant and sells and distributes water for profit, and this water plant and business is included in the property which it proposes to transfer to the consolidated company, but it appears that neither of the constituent companies is otherwise engaged in any public service, nor will the consolidated company be subject in any manner to the provisions

of the Public Service Commission Law except only in relation to the business of selling and distributing water for profit, which it proposes to conduct in connection with and as incident to its general business of developing and selling real estate. This Commission is of opinion that it is neither required nor authorized to assume jurisdiction or supervision of any part of the property or business of any of these companies, constituent or consolidated, not employed in or connected with the public service, and also holds the view, which appears to be shared by counsel for the applicants, that it is not concerned with the issue of any stock, bonds or other evidence of indebtedness by any of the companies except to the extent that such issue may affect the water plant and water service; but counsel for the applicants, while conceding that, so far as they can see, the proposed consolidation and proposed issue of stock can not in any wise affect the water plant or the service rendered in connection therewith and therefore cannot come within the spirit or meaning of any provision of the Public Service Commission Law, are yet apprehensive that some question may arise as to the validity or regularity of the consolidation or of the stock issue, unless the same be approved and authorized by this Commission as in cases to which the Public Service Commission Law clearly applies. This Commission is also of opinion that the proposed consolidation is authorized by the general laws of this State and that the consolidated company may lawfully acquire all the property of the Roland Park Company of Baltimore City, including the water plant and business of selling and distributing water for profit, and may pay for the same by the issue of capital stock, and is further of opinion that, inasmuch as the proposed issue of stock is avowedly for the acquisition of property and for the development and improvement of the same, the use of the capital to be secured by the proposed issue of stock, preferred and common, is reasonably required for purposes of the corporation permitted or at least not prohibited by the Public Service Commission Law, although this Commission does not feel called upon, and does not undertake, in any manner to investigate or pass upon the value of the property or adequacy

of the consideration or any other question involved in the transaction;

It is therefore, this 22nd day of November, in the year 1911, by the Public Service Commission of Maryland,

Ordered, That to the extent that consent or authority from this Commission may be necessary to comply with formalities prescribed by law, the said Roland Park Company of Baltimore City and the said Guilford Park Company of Baltimore City be, and they are hereby authorized to consolidate in the manner and upon the terms set out in the agreement of consolidation, of which a copy has been filed with the said application, and the said the Roland Park Company, which is the name of the new corporation to be formed by the said consolidation, is hereby authorized to issue common stock to the par value of one million, five hundred and fifty (\$1,550,000.00) thousand dollars and preferred five per cent. cumulative stock to the par value of four hundred and fifty thousand (\$450,000.00) dollars and to use the same for its corporate purposes in the manner and for the purposes in said application set forth; provided, however, that nothing in this order shall be deemed or taken to authorize the said the Roland Park Company to issue any further or other bonds or other evidence of indebtedness than such as may already be outstanding that shall constitute or create any lien or charge upon its water plant, water rights or franchises or other property used in connection therewith, without the consent and authority of this Commission first had as required by law; and provided, further, that nothing in this order shall be deemed or taken in any way to abridge, interfere with or otherwise affect any duty or power which this Commission has or but for this order would have under the laws of this State in respect to the said water plant, the service rendered by the same and the prices or rates for such service, or any other matter or thing connected with such service, including the power to ascertain and determine the value of the property employed in such service.

OPINION.

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 62.
The Complaint of the PARKVILLE IM- PROVEMENT ASSOCIATION		
vs.		
THE BALTIMORE AND BEL AIR ELECTRIC RAILWAY COMPANY.		

Hearing September 7th, 1911. Decided November 23rd, 1911.

HERING, Commissioner.

The Parkville Improvement Association filed with the Commission on November 4th, 1910, a complaint and petition alleging in general terms that the rate of fare charged by the Baltimore and Bel Air Electric Railway Company is excessive, and that the service is inadequate. On September 7th, 1911, the association filed a supplementary statement in which it set forth specifically what it wishes the Commission to require of the Company, as follows:

"We herewith make the following request:

- "1. That seven (7) tickets be issued for twenty-five cents (25c).
- "2. That two cars be run on the line in the morning and evening, to make 15 minute service, for four hours a day, beginning at 5:15 A. M., from Hamilton, and in the evening beginning at 5:15 from Hamilton.
- "3. That two cars be run all day on Sunday for six months from April 1st to October 1st, from 10 A. M., to 10 P. M., and that an early car be run from Carney at 6 A. M., on Sundays."

The two definite questions raised by the complaint and by the supplemental statement are:

- 1st. Is the rate charged by the company excessive?
- 2nd. Is the service inadequate?

In order to intelligently pass upon these questions and determine their merits it is necessary to go somewhat into the history of the road. The Baltimore and Bel Air Electric Railway Company has been in operation since 1904. It has an authorized capital of \$250,000, of which \$46,200 has been paid in. As originally projected the road was to run from Hamilton, which is in Baltimore County, and is the terminus on that road of the tracks of The United Railways and Electric Company of Baltimore, to Bel Air in Harford County. The road was completed from Hamilton to Carney, a distance of three and one-quarter miles, and rails were purchased by the company to carry the construction to the Gunpowder. All the money raised from stock subscriptions was received from persons who live between Carney and Bel Air, no subscription having been received from those who live in the territory of the complainants.

When the road was completed to Carney, the company was compelled by lack of funds to stop at that point, having a debt on it at that time of \$25,000. This indebtedness including about \$12,000 paid for rails that were purchased for the Gunpowder extension, and which were subsequently sold, reducing the debt to about \$13,000.

The net earnings from the operation of the road in the seven years since 1904 have reduced the debt to between \$7,000 and \$8,000, or an average of about \$800 per annum. The fare charged between Hamilton and Carney, three and one-quarter miles, is five (5) cents, or a little more than one and one-half ($1\frac{1}{2}$) cents per mile.

The testimony taken at a hearing which was held on September 7th, 1911, shows the facts above enumerated, and also, that since the building of the road there has been quite a development in the section between these two points and also a decided appreciation in the value of real estate.

In view of the fact that the railroad company still has a debt upon it of between \$7,000 and \$8,000 and has no means of paying the same except from net earnings, the Commission does not feel justified at this time in requiring the company to reduce its fares, believing that under existing circumstances they are not unreasonable. We would also state that a reduc-

tion of fares at this time would lay a burden upon the company that would postpone and probably altogether prevent it from carrying out its original purpose of building to those sections from which the money came for the construction of the road as it at present exists, and giving to the persons who put up their cash, and to the communities in which they reside, the privileges and conveniences which have been afforded for the past seven years to those who live between Hamilton and Carney.

Now we come to the second question: Is the service inadequate?

In considering a question of this kind it must be taken with all its surroundings and its attendant conditions. Two things primarily enter into it: 1st. The needs of the community, and 2nd. The ability of the company to meet these needs. All persons using electric car lines consider themselves entitled to a comfortable seat in the car from the time they enter until they leave, and this is so, provided the company can reasonably furnish it. But can this be done? The experience of electric cars in Baltimore or in any other city shows that there will be times, and many of them, even in the best service that can be rendered, when the cars will be crowded, and some persons will be compelled to stand.

In examining the figures submitted by the company showing the number of persons on the cars of this line during the period from September, 1910, to August, 1911, it was found that in many instances, in the morning trips down and in the afternoon trips up, there were more passengers than could be seated in the car, but the number in excess does not exceed that of any busy line in Baltimore City during rush hours. And the figures submitted also show that the cars on the return trips came back practically empty, or at least with very few passengers.

It is a plain principle of law and of common sense that a common carrier is bound to furnish to the public the highest and best service of which it is capable. But the community must not expect either the Public Service Commission or the Courts to require them to do impossible things. This Commission will always require public service corporations to

render their full duty to the public, and that full duty, as we interpret it, is a reasonable service.

In the case before us, we believe that the service rendered by the Baltimore and Bel Air Electric Railway Company is as much as, under all the conditions, can, at this time, be reasonably required of it.

Entertaining these views we will enter an order dismissing the complaint and Petition.

ORDER No. 490

In the matter of	} Before the Public Service Commis- sion of Maryland.
The Complaint of the PARKVILLE IM- PROVEMENT ASSOCIATION	
vs.	
THE BALTIMORE AND BEL AIR ELECTRIC RAILWAY COMPANY.	Case No. 62

In accordance with the Opinion filed in the above entitled case, it is this 23rd day of November, 1911, by the Public Service Commission of Maryland,

Ordered, That the Complaint of the petitioners herein be and the same is hereby, dismissed.

ORDER No. 491

Application of the BALTIMORE AND PENNSYLVANIA RAILWAY COMPANY for Permission and Approval to Exercise the Franchises Granted by its Charter and by Municipal Authorities and to Begin Construction of a Railway from Reisterstown, in Baltimore County, Through Hampstead and Manchester, in Carroll County, to the Pennsylvania State Line, and also for an Order Authorizing it to Issue \$600,000.00 of First Mortgage Bonds and \$600,000.00 of Common Stock for the Construction and Equipment of the Said Railway.

Before the Public
Service Commis-
sion of Maryland.

Case No. 251

WHEREAS, The Baltimore and Pennsylvania Railway Company has filed with this Commission an application for an order granting permission and approval to the exercise of franchises and the beginning of construction and also for an order authorizing the issue of capital stock and mortgage bonds; and

WHEREAS, The Baltimore and Pennsylvania Railway Company was incorporated by act of the General Assembly of Maryland, Chapter 79 of the Acts of 1910, approved April 1st, 1910, and immediately entered into a contract with the Maryland Construction and Development Company, whereby the latter undertook, in consideration of the delivery to it of all the capital stock of the Baltimore and Pennsylvania Railway Company to the amount of \$600,000 and also of its first mortgage 5 per cent. bonds to the amount of \$600,000, to build and equip and deliver in good running order, with all necessary rolling stock and other equipment, an electric railway running from Reistertown in Baltimore County through Hampstead and Manchester and on through Carroll County to a point on the Pennsylvania State line, about six and one-half miles south of Hanover, a distance in all of about twenty miles; and whereas, under the impression that, inasmuch as the Baltimore and Pennsylvania Railway Company was chartered and the

said contract for construction made before the enactment of the Public Service Commission Law, the said company was not subject to regulation by this Commission in respect to the exercise of its franchises, the beginning of its construction or the issue of stock or other securities, the incorporators proceeded to obtain rights-of-way, negotiate the sale of its securities and make other preparations for the actual work of construction without consultation with or reference to this Commission; and whereas, this Commission is satisfied that all of these proceedings were under the *bona fide*, though mistaken, belief that they were lawful and regular and without any intention to violate or disregard the provisions of the Public Service Commission Law, and it appears that after various and protracted negotiations the incorporators and promoters of the enterprise have effected a sale to one George R. de Montlord of Paris, France, of the said \$600,000 of first mortgage, five per cent. bonds, together with \$300,000 of the capital stock of the said Baltimore and Pennsylvania Railway Company for the net sum of \$498,000, and that it is not practicable to obtain a better price for the said securities in this country or elsewhere; and whereas, the plans and specifications for the construction and equipment of the said railway company have been examined by our Chief Engineer, who advises us that the said sum of \$498,000 is ample to provide for proper construction and equipment, and it appears that under the contract for the purchase of the said securities safeguards are provided for the due application of so much of the said sum as may be necessary for the purpose intended; and whereas, the said Baltimore and Pennsylvania Railway Company has arranged for the right to lay its railroad for almost its entire length on the right-of-way of the Baltimore and Reisterstown Turnpike Company of Baltimore and of the Baltimore and Hanover Turnpike and proposes for the short remainder of the distance to acquire its own right-of-way by purchase or condemnation from the owners of the lands over which it must pass and has already obtained from the County Commissioners of Carroll County and from the towns of Hampstead and Manchester the requisite authority to lay its tracks on or across the public roads of that county and streets of the said towns, and has

now pending a similar application to the County Commissioners of Baltimore County; and whereas, after due hearing and investigation this Commission has determined that the construction of the said railway will be convenient for the public service, and is satisfied that it would not be practicable to provide the money needed for the purpose on more favorable terms, and under the special circumstances of this case, and without intending to establish a precedent for other cases, or to adopt or commit itself to the principle that capital stock of a public service corporation may lawfully be issued for any consideration less than its par value in cash or some equivalent, is of the opinion that the use of the capital to be secured by the issue of said \$300,000 of stock and \$600,000 of first mortgage bonds which the said George R. de Montlord has agreed to purchase, as aforesaid, is reasonably required for the acquisition of property and the construction and completion of the facilities of the said Baltimore and Pennsylvania Railway Company, purposes of the said corporation authorized and permitted by the Public Service Commission Law; but the Commission does not now undertake to pass any judgment or form any opinion upon the character or value of any service rendered by any promoter, officer or agent of the said Baltimore and Pennsylvania Railway Company or the amount of compensation therefor or upon any matter or thing connected with the \$300,000 of capital stock authorized by the said company's charter and not included in the said sale to George R. de Montlord;

It is therefore, this 24th day of November, 1911, by the Public Service Commission of Maryland,

Ordered, 1. That permission and approval of this Commission be and are hereby given to the said Baltimore and Pennsylvania Railway Company to begin construction and to exercise the franchises granted by its charter and by the County Commissioners of Carroll County by Order of June 16, 1910, and by Ordinance of the Mayor and Common Council of Manchester, passed May 18, 1910, and by Ordinance of the Mayor and Council of Hampstead passed June 6, 1910; provided, however, that before said company shall begin to construct its road on, over, across or under any railroad or highway other

than the said Baltimore and Reisterstown or Baltimore and Hanover Turnpike, it shall first obtain the approval and consent of the local authorities having jurisdiction in the premises, and shall also file the proper evidence of such consent, together with its plans and specifications for the construction, with this Commission and obtain this Commission's approval thereof.

2. That the said Baltimore and Pennsylvania Railway Company be and it is hereby authorized to issue and sell \$300,000 of its capital stock and \$600,000 of its first mortgage 5 per cent. thirty year bonds secured by its deed of trust to the Baltimore Trust Company, dated November 1st, 1911, at and for the price of \$498,000 net cash for the whole amount, and to issue and sell the said stock and bonds in lots of not less than \$10,000 of stock and \$20,000 of bonds at the same price *pro rata*; provided that immediately upon receipt of payment of any instalment of the purchase money for such stock and bonds, the said company shall report to this Commission, in writing, the fact and amount of such payment and the disposition of the proceeds, and shall also render to this Commission at least once in every three months, and at such other time or times as the Commission may hereafter require, a written report, under oath of the President and Treasurer, showing in detail the application of the money so received, the amount expended, the balance on hand, the progress of the work of construction and any and all other facts that in the judgment of the Commission may be necessary or proper to show that said money is honestly, economically and efficiently applied to the proper construction and equipment of said railway.

3. And this order is on the condition that the contract between the said Baltimore and Pennsylvania Railway Company and the said Maryland Construction and Development Company for the construction of the said railway be so amended as to provide that expenditure or application of the proceeds of the bonds and stock sold, as aforesaid, to the said George R. de Montlord shall be at all times subject to the supervision, regulation and control of this Commission in the same manner and to all intents and purposes as fully and effectually, as if

said Maryland Construction and Development Company were in fact and in law one and the same with the Baltimore and Pennsylvania Railway Company; and it is also a further condition of this order that the said Maryland Construction and Development Company shall forthwith by its proper officials certify in writing to this Commission its acceptance of this order and its readiness to abide by and perform all the requirements hereof.

4. And it is further ordered that all questions in relation to the \$300,000 of capital stock authorized by the charter of the Baltimore and Pennsylvania Railway Company, but not included in the said sale to George R. de Montlord, be and the same are hereby reserved for further determination and order by this Commission; and it is expressly stipulated and provided that nothing in this order contained shall be deemed or taken in any manner to abridge, interfere with or otherwise affect any power or duty which this Commission has or but for this order would have in respect to the supervision, regulation or control of the said Baltimore and Pennsylvania Railway Company, the services rendered by it or the charges therefor, the valuation of its property, or any other matter or thing connected with said Baltimore and Pennsylvania Railway Company's property or operations.

5. And it is further stipulated and provided that this order is based solely and entirely on the said sale to George R. de Montlord, and in case said sale falls through or fails to take effect, then such failure shall *ipso facto* vacate this order as far as it relates to any stock or bonds not already actually delivered to him and all questions in relation to the sale or issue of any of the said stock or bonds not actually delivered to said George R. de Montlord shall stand open as if this order had not been passed, nor shall said Baltimore and Pennsylvania Railway Company in that event have authority from this Commission to sell or issue any of such remaining stock or bonds without first complying with all requirements of the Public Service Commission Law.

ORDER No. 493

In the matter of

The Application of the MOUNTAIN LAKE
WATER AND LIGHT COMPANY OF GAR-
RETT COUNTY for Permission and Ap-
proval to Exercise Franchise Granted
by the Mayor and Council of Loch
Lynn Heights by Ordinance Dated
April 15, 1911, and to Begin Construc-
tion Thereunder and also for Authority
to Issue \$15,000 First Mortgage 6 per
Cent. Bonds.

Before the Public
Service Commis-
sion of Maryland.

Case No. 246.

WHEREAS, To provide for additional mains and also to discharge or refund its indebtedness to Lorenzo T. Yoder for moneys heretofore advanced by him for the acquisition of land and other property needed for its business and for the construction and extension of its plant, the Mountain Lake Water and Light Company of Garrett County has in this proceeding asked authority to issue \$15,000 of first mortgage, six per cent. bonds dated July 10, 1911, and secured by mortgage of the same date to S. T. Jones, trustee, covering all of its real estate and other property, and also desires permission and approval for the exercise of the franchise granted to it by the Mayor and Council of Loch Lynn Heights, by Ordinance of April 15, 1911, to lay water pipes and mains in and through certain streets and alleys of the town of Loch Lynn Heights; and whereas, after due hearing and investigation the Commission is satisfied that on the 26th day of October, 1911, the date of filing the application herein, the said company was lawfully and justly indebted to the said Lorenzo T. Yoder in the sum of \$25,062.37, being the balance due him for moneys advanced as aforesaid for the acquisition of property and construction of its plant, and that it will require about \$2,500.00 of the proposed issue of bonds to provide the additional mains and pipes needed to furnish an adequate supply of water to Mountain Lake Park and its inhabitants, so that of the said

issue of bonds to the amount of \$15,000.00 only some \$12,500.00 will be applicable to the said balance of indebtedness to Lorenzo T. Yoder, leaving still due him on that account about \$12,500.00; and whereas, only \$20,000.00 of the authorized capital of the said company has so far been issued and \$30,000.00 still remains unissued, and the said Lorenzo T. Yoder has expressed his willingness to accept stock of the said company at par in payment of the balance that will so remain due him after exhaustion of the said bond issued, and it seems to the Commission best for all parties that said company should discharge or refund its entire debt to the said Lorenzo T. Yoder, who holds almost all of its capital stock and has furnished all the money so far required for any of its corporate purposes and is now its only creditor; and whereas, after due hearing the Commission has determined that the proposed new construction and the exercise of the franchise granted as aforesaid by the Mayor and Council of Loch Lynn Heights are, and each of them is, convenient for the public service, and is also of opinion that the use of the capital to be secured by such issue of bonds and also of stock to the amount required to discharge at par the balance that still remains due as aforesaid to the said Lorenzo T. Yoder is reasonably required for the said purposes of the corporation, that is to say: for the construction, completion, extension and improvement of its facilities and the discharge or lawful refunding of its obligations;

It is therefore this 24th day of November, 1911, by the Public Service Commission of Maryland,

Ordered, 1. That the permission and approval of this Commission be, and they are hereby, given to the exercise by the said Mountain Lake Water and Light Company of Garrett County of the franchise granted to it by the Mayor and Council of Loch Lynn Heights, by the said ordinance of April 15, 1911, to lay mains and pipes in and through certain streets and alleys of Loch Lynn Heights and to supply said town and its inhabitants with water as in the said ordinance set forth;

2. That the said Mountain Lake Water and Light Company of Garrett County be and it is hereby authorized to issue the 6 per cent. bonds to the amount of \$15,000.00 described in and secured by its mortgage, or deed of trust, dated July 10, 1911,

to S. T. Jones, Trustee, of which a copy was filed with the application in this proceeding, and to sell \$2,500.00 of the said bonds for cash at not less than 98 per cent. of the par value and apply so much of the proceeds as may be necessary to the purchase and laying of new mains and pipes as set forth in its application, and to apply the residue of the said bonds at par so far as they will go to the discharge or refunding of its indebtedness to Lorenzo T. Yoder.

3. That the said Mountain Lake Water and Light Company of Garrett County be and it is hereby authorized to issue to the said Lorenzo T. Yoder so much of its capital stock, not exceeding \$13,000.00 in amount, as, taken at par, shall be required to settle and discharge the balance due him over and above the value or proceeds of the above authorized bonds which he shall have received in part payment of his debt.

4. That on or before the 1st day of June, 1912, the said Mountain Lake Water and Light Company shall report its proceedings hereunder to this Commission, with a detailed statement, verified by the oaths of its Treasurer and General Manager, showing the disposition of the bonds and stock hereby authorized and the property acquired or constructed with the proceeds of any sale or sales.

ORDER No. 497

In the matter of

The Petition of the BALTIMORE AND OHIO RAILROAD COMPANY for Permission to File and Publish on Less Than Statutory Notice a Rate of 40 Cents per 2,000 Pounds on Dried Brewers' Grain, Carloads, Minimum Weight 60,000 Pounds, Etc., from Colgate Creek, Md., to Locust Point, Md., for Export.

Before the Public Service Commission of Maryland.

Case No. 262.

The above mentioned petition having been received and filed, and upon consideration thereof, it is this 29th day of November, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be and is hereby given the Baltimore and Ohio Railroad Company to establish on one day's notice to the Commission and the public a rate of forty cents (40 cents) per 2,000 pounds on dried brewers' grain, carloads, minimum weight 60,000 pounds, except when loading capacity of the car is less, when the minimum weight will be the loading capacity of the car, but not less than the official classification minimum, from Colgate Creek, Md., to Locust Point, Md., for export;

PROVIDED, A tariff or a supplement to an existing tariff of the aforesaid railroad company containing the said rate be filed with the Commission and published by posting as required by law on the issuance of this Order, and that all copies of the said tariff shall bear the following notation:

"Issued under special permission of the Public Service Commission of Maryland, Order No. 497, of date November 29th, 1911."

ORDER No. 498

In the matter of

The Petition of the OFFICIAL CLASSIFICATION COMMITTEE for Permission to File and Publish on Less Than Statutory Notice, a Supplement to P. S. C.—Md., O. C.—No. 37, Amending the Classification of Crucibles.

Before the Public Service Commission of Maryland.

Case No. 265.

The above mentioned petition having been received and filed, and upon consideration thereof, it is this 2nd day of December, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be and is hereby given the official Classification Committee, by F. S. Holbrook, its agent, to publish a supplement to P. S. C., Md., O. C., No. 37, amending the classification of crucibles, effective December 15th, 1911, on ten days' notice to the Commission and the public;

PROVIDED, A supplement containing said amendment be filed with the Commission and published by posting as required by law on the issuance of this order and that all copies of said supplement shall bear the following notation:

“Issued on ten days' notice to the Commission and the public, under special permission of the Public Service Commission of Maryland, Order No. 498, of date December 2nd, 1911.”

ORDER No. 499

In the matter of	}	
The Complaint of the DI GIORGIO FRUIT COMPANY, Complainant,		Before the Public Service Commis- sion of Maryland.
vs.		
THE BALTIMORE AND OHIO RAILROAD COMPANY, Defendant.		Case No. 263.

REPARATION CLAIM—\$70.47.

This is a petition filed by the Baltimore and Ohio Railroad Company by Edward S. King, its Division Freight Agent, on behalf of the Di Giorgio Fruit Company, complainant, for permission to waive collection from said complainant of that portion of a freight bill rendered by said railroad company to said complainant, which is in excess of a just and reasonable charge upon a certain shipment of imported lemons between points on defendant's line within the State of Maryland.

The petition states that on June 19, 1911, the complainant shipped from Locust Point, Baltimore, Md., to Camden Station, Baltimore, Md., six carloads of imported lemons, aggregate weight, 224,400 pounds, on which was charged the sum of \$112.47, being at the rate of 5 cents per hundred pounds, which was the only rate that the defendant could apply under its existing tariff, P. S. C., Md., No. 100, the same being the third class rate under the provisions of said tariff. In effect at the same time, however, and included in the same tariff there was provided on lemons, carloads, from Locust Point, Baltimore, Md., to Mount Clare, Baltimore, Md., commodity rates of \$4.00 and \$5.00 per car applicable to such shipments where barge service was unnecessary or was performed, as the case might be.

By the defendant's tariff, P. S. C., Md., No. 241, effective July 31st, 1911, the defendant published and filed commodity rates on lemons, carloads, from Locust Point, Baltimore, Md., to Camden Station, Baltimore, Md.:

\$6.00 per car where barge service was unnecessary, and
\$7.00 per car where barge service was performed.

Said tariff states that the premium of \$2.00 per car over the Mount Clare rate is added for the reason that the company is expected to perform unloading at Camden Station, which service is not contemplated under the rate to Mount Clare. It is, therefore, claimed by the complainant and admitted by the defendant that the rate charged, as aforesaid, on the shipment in question is unreasonable and excessive, and that the rate of \$7.00 per car would be a proper and reasonable rate to be applied to the said shipment.

Upon consideration of the matter, it is this 1st day of December, 1911, by the Public Service Commission of Maryland,

Ordered, That the complainant, the Di Giorgio Fruit Company, is entitled to deduct from the bill rendered for the shipment in question by the defendant, the Baltimore and Ohio Railroad Company, the sum of \$70.47 for and on account of the charge by the said defendant of said excessive and unreasonable rate of 5 cents per one hundred pounds, the said sum of \$70.47 being the difference between the amount charged and the amount properly chargeable at the rate of \$7.00 per carload for the transportation of the shipment in question.

IT IS FURTHER **Ordered**, That unless otherwise ordered by this Commission the said rates of \$6.00 and \$7.00 per car, respectively, where barge service is or is not performed, as the case may be, published in defendant's tariff, P. S. C., Md., No. 241, effective July 31st, 1911, for the transportation of imported lemons over the Baltimore and Ohio Railroad from Locust Point, Baltimore, Md., to Camden Station, Baltimore, Md., shall remain in effect for one year from said effective date of said tariff.

In the matter of	} Before the Public Service Commis- sion of Maryland. Case No. 213.
M. J. GROVE LIME COMPANY	
vs.	
CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.	

Hearing, September 22nd, 1911. Decided, December 4th, 1911.

AMBLER, Chairman.

The complainant in this case alleges that so long as the Frederick County Telephone Company had an independent existence, it maintained a moderate "flat rate" charge for service throughout Frederick County, but since that company was acquired or "absorbed" by the Bell system, the county has been divided into several "zones"; and while each zone is so arranged as to include Frederick City, the county seat, giving direct communication between Frederick City and every part of the county without extra charge, outside of Frederick City the zones have each its own separate central office or "exchange," and an extra charge is made in every instance for communication between one of these exchanges and any of the others, however short may be the intervening distance; that under this arrangement there has been a slight reduction in the annual charge for telephone service, and some increase in the number of telephones with which each subscriber is directly connected; but that without consultation with any officer or agent of the complainant and without any reference to its needs or wishes, the complainant was assigned to what is called the Buckeystown exchange; that the complainant has no occasion, or at most rare occasion, to hold communication with any one connected with the Buckeystown exchange, since its business dealings and associations are almost entirely with other parts of the country; and while there has been an ostensible increase in the number of telephones with which the complainant has direct connection, as a matter of fact all of those with whom it ever desires to hold communication have been cut off and assigned to other zones and their places taken by persons with whom the complainant has no business relations,

so that the complainant is required, in addition to the fixed annual charge, to pay an extra assessment for practically every occasion on which its telephone is put to any use.

The complainant not only contends that the free communication with all parts of the county granted to residents of Frederick City constitutes a discrimination against other residents of the county, whose service is more restricted, but insists that the hardship to itself and others similarly situated is aggravated by the fact that, outside of Frederick City, there are in every zone several specially favored individuals who are still allowed the privilege of service throughout the country without extra charge.

The complainant is a corporation and at the hearing was represented by Mr. Wm. J. Grove, its president. Mr. Grove mentioned the names of several of his neighbors who have telephones connected with the Frederick City exchange and therefore "free" service over the whole county; but it was shown by the defendant that in every instance the neighbors so named are on "farmer's lines," that is, multi-party lines running out from Frederick City for several miles into the country and connecting each a dozen or more subscribers, whose requirements are met by the inferior service that a party line affords. The defendant offered to connect the complainant with one of these "farmer's lines" on the same terms with other subscribers for that service, but Mr. Grove promptly stated that his company would not be satisfied with service of that kind.

The defendant's witnesses stated that to connect every subscriber in every part of the county by a direct line with one central office in Frederick City would make the average length of the lines so great and the investment in lines so heavy as to render the cost of service prohibitive, and that several exchanges had been established for the purpose of shortening the average length of subscriber's lines and thus making the service cheaper. This seems to have resulted in a reduction of the annual charge, and in the view of our expert advisers, was an exercise of good engineering and business judgment. The witnesses further explained that the free communication between Frederick City and the rest of the county is permitted not from any desire to show special favor to Frederick City,

but because it is the county seat and peculiarly the centre, or "hub," with which all parts of the county require communication. Mr. Grove readily admitted that his company desired direct communication with the county seat and would not willingly give up that service, and that the same was doubtless true of residents of other parts of the county. We do not think that a service, which is desired by every one and is open to all on the same terms, could justly be considered a discrimination.

If the greater part of the complainant's business is with points outside of the Buckeystown zone, it is to be regretted that the complainant's main office should be situated within the lines of the Buckeystown district; but that is a condition which it is beyond our power to remedy. The defendant alleges, apparently with truth, that the zones were laid off not arbitrarily, but on geographical lines as far as the nature of the country permitted and so as to make the "load," or number of telephones, in each zone as nearly the same as practicable. It would hardly be possible to make the zone lines accord exactly with the special needs or wishes of each individual subscriber. So far as we can see, the principle on which the county has been divided is a sound and fair one, and if the complainant's works happen to lie on the wrong side of a dividing line, that is a misfortune for which the defendant is not responsible. The complainant is at least fortunate in having, in addition to its main office in the Buckeystown district, one or two subordinate establishments in Frederick City equipped with telephone that provide the means of free intercourse with all parts of the county. If we should undertake to change the lines of the Buckeystown zone to suit the complainant's convenience, we could not know what inconvenience or hardship this might cause to other people, and possibly to some who do not enjoy the advantage of auxiliary telephone stations in Frederick City. We certainly could not undertake to make a change without giving all concerned an opportunity to present their objections.

The defendant expresses its willingness to build a "direct" line connecting the complainant with the Frederick City exchange, but shows that the cost of that would amount to a

considerable sum. The complainant very naturally does not desire a "direct" line that would be so expensive a luxury.

Finally, Mr. Grove stated that there were in his district and in other zones outside of Frederick City some persons who enjoyed the privilege of free service throughout the county without the burden of a large number of other subscribers on the same line; but he declined to make a more specific charge or to give any names because he said he was unwilling to assume the role of informer and stir up trouble for his neighbors, particularly if he had not even the excuse of securing some compensating advantage either for himself or for his company. The defendant admits that there are one or two such cases, but says that they are very few and are mere "hang-overs" from the old Frederick County Telephone Company, and assures us that it is eliminating these as the contracts expire, as rapidly as can be done without hardship or unnecessary friction. If the complainant desired to press the charge of discrimination on this ground, or if the practice seemed likely to continue, it would unquestionably be our duty to take measures to put a stop to such violation of the Public Service Commission Law; but we understand the complainant's reluctance to become an "informer," and with the defendant's assurance that it does not intend to continue the objectionable practice, we do not feel called upon at this juncture to institute an investigation of our own motion.

Under the circumstances, our only course is to dismiss this complaint.

ORDER No. 502

In the matter of	}	
The Complaint of M. J. GROVE LIME COMPANY		Before the Public Service Commis- sion of Maryland.
vs.		
CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.		Case No. 213.

In accordance with the opinion this day filed, it is this 4th day of December, 1911, by the Public Service Commission of Maryland,

~~Ordered~~, That the complaint in the above entitled proceeding be, and the same is hereby, dismissed.

ORDER No. 503

In the matter of	}	
The Application of the CONSOLIDATED GAS ELECTRIC LIGHT AND POWER COM- PANY OF BALTIMORE for Authority to Purchase 274 Shares of the Capital Stock and \$15,000 of the First Mort- gage 6 per Cent. Bonds of the Mount Washington Electric Light and Power Company.		Before the Public Service Commis- sion of Maryland.
		Case No. 259.

The Consolidated Gas Electric Light and Power Company of Baltimore in this proceeding asks authority to purchase 274 shares of the capital stock of the Mount Washington Electric Light and Power Company at the price of \$19,585.00 and its entire issue of first mortgage 6 per cent. bonds, amounting to \$15,000 and maturing July 1, 1915.

From the application and testimony taken at the hearing, it appears that the Mount Washington Electric Light and Power Company has outstanding 8,326 shares of stock of the

par value of \$10.00 each and book value of about \$36.00, of which the applicant now holds 8,052 shares or 96.7 per cent. of the total issue, and has arranged, subject to the approval of this Commission, to buy the remaining 274 shares in separate lots at varying prices, amounting in the aggregate to \$19,585.00, or an average of less than \$72.00 a share. It also appears that, by virtue of this controlling interest, the Mount Washington Company has for many years been operated as a subsidiary of the applicant, all of its earnings have been applied to renewals, improvements or extensions; no dividend has been paid to its stockholders and there has been no other recent sale of its capital stock. Some time ago applicant conceived the purpose of acquiring entire ownership of the subordinate company, and began through friendly agencies negotiations for the purchase of the few shares that it did not already hold, with the result that all of the 274 shares outstanding have been acquired by individuals more or less connected with the applicant, who have given the applicant an "option" to take the stock at its cost to them.

The applicant states that the object of purchasing both the stock and the bonds is to enable it to "finance the necessary extension to the property of the Mount Washington Company under the most favorable conditions" and suggests that authority to make the purchases be granted "on the condition that the price paid for the said securities shall in no way have any bearing whatsoever upon the value to be placed upon these securities as assets of the Consolidated Gas Electric Light and Power Company of Baltimore or in the determination of or fixing of the value of the property or assets of the Mount Washington Electric Light and Power Company, nor any bearing whatsoever on any valuations made or claimed for either company as a basis for rate making." The applicant does not ask authority to issue any stock, bonds or other evidence of indebtedness to provide the means of payment, but proposes to "leave the fair value of these securities to be determined at some future time at the discretion of and by the Commission," and adds that "the difference between the price paid and the value ultimately decided upon by the Com-

mission can be paid out of the company's surplus as of June 30, 1911."

It would seem that the holders of the 274 shares demanded and obtained an exceedingly good price for their stock, but it is a known fact that at times there is a value attached to a small minority far in excess of its inherent worth and we have no reason to question the statement that in this case the price paid was the lowest for which the stock could be purchased. Opinions may differ as to the propriety of permitting one corporation to hold a controlling interest in another corporation engaged in the same kind of public service, but we entertain no doubt that, if one corporation is to dominate another, it is better that this should be from ownership of all stock rather than from ownership of a majority. Divided ownership produces friction, and in a measure lessens responsibility.

It is therefore, this 5th day of December, 1911, by the Public Service Commission of Maryland,

Ordered, 1. That the Consolidated Gas Electric Light and Power Company of Baltimore be and it is hereby authorized to acquire and hold the 274 shares of stock of the Mount Washington Electric Light and Power Company which it does not already own and pay for the same the sum of nineteen thousand five hundred and eighty-five (\$19,585.00) dollars with interest from the date of the option granted by the present holders, and also to purchase and hold the first mortgage 6 per cent. bonds of the said Mount Washington Electric Light and Power Company at not exceeding one hundred and six (106) per cent. and accrued interest:

PROVIDED, HOWEVER, And this authority is hereby given on the condition that, the price paid for the said securities shall in no way have any bearing whatsoever upon the value placed upon these securities as assets of the Consolidated Gas Electric Light and Power Company of Baltimore or in the determination or fixing of the value of the property, or assets of the Mount Washington Electric Light and Power Company, nor any bearing whatsoever on any valuations made or claimed for either of said companies as a basis for rate making; but all questions as to the fair value of the said securities and of any and all other property of either or both of the said com-

panies shall be and remain open for future determination by this Commission in the same manner, and to all intents and purposes as fully and effectually, as if this order had not been passed.

OPINION.

In the matter of	}	Before the Public Service Commis- sion of Maryland. Case No. 135.
The Complaint of H. C. WILLIS AND OTHERS		
vs.		
THE PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD COMPANY.		

Hearing July 13, 1911. Decided December 5th, 1911.

H. C. WILLIS, representing Petitioners.

BERNARD CARTER AND SONS, representing Respondent.

LAIRD, Commissioner.

The petition in this case, signed by fourteen citizens in Kent County, asks for an order of the Commission requiring the Philadelphia, Baltimore and Washington Railroad Company, as lessee of the Delaware Railroad Company, to repair the branch line of railroad extending from Worten to Nicholson and to operate it in the same manner as it was operated prior to the year 1897, when service was suspended. The branch is situated in Kent County, Md., and is part of the original Kent County Railroad.

In order to understand the case and to furnish a rational basis for the Commission's finding, it is necessary to recount the history and details of the matter with considerable fullness.

The Kent County Railroad Company was incorporated by the General Assembly of Maryland, under Chapter 148 of the Acts of 1856. Section 12 of the Act provides: "That the said company be and they are hereby authorized to locate and con-

struct a railroad from the waters of the Chesapeake Bay, in Kent County, or some point on the Chester River, in said county, to the north side of the Sassafras River, in Cecil County (or to some point on the line of the Queen Anne's and Kent Railroad), as may be deemed most advisable, and also to locate and construct branches from said road to any points in Kent County, as may be deemed advisable."

Under this franchise the Kent County Railroad was constructed many years ago, from Chestertown, on Chester River, to Massey, "a point on the line of the Queen Anne's and Kent Railroad," from which point the latter road extended to and formed a junction with the Delaware Railroad; and some time later a branch road was constructed from Worton, a station on the Kent County Railroad, to Nicholson, a distance of 3.73 miles. This branch is known as "Nicholson Branch." It is in evidence that passenger traffic was never maintained upon this branch road, which was operated solely for freight in carload lots without any regular schedule except in the "peach season," when trains were run daily in order to move this perishable crop promptly. At other times trains were run upon demand when carloads of produce were ready for shipment. It is this irregular freight service that we are asked to restore.

The Kent County Railroad had the checkered life that characterized all small railroad enterprises in the early and formative period of the railroad business. The affairs of the company went from bad to worse; its properties changed hands from time to time, and appear to have steadily deteriorated during the period of change. Some time prior to 1897, it had become the property of the Baltimore and Delaware Bay Railroad Company, a Maryland corporation, and in that year the service on the "Nicholson Branch" was discontinued. In 1902, under the provisions of the Acts of 1902, Chapter 82, the Delaware Railroad Company, a corporation of the States of Maryland and Delaware, acquired the properties from the Baltimore and Delaware Bay Railroad Company, and the latter company was thereupon dissolved under the provisions of said Act. At or about the time of this acquisition, the Philadelphia, Baltimore and Washington Railroad Company began

the operation of the road for the Delaware Railroad Company under an operating agreement, which continued until the first of March, 1910.

By a lease dated February 24, 1910, and operative March 1, 1910 (file No. 31 in this case), the Delaware Railroad Company demised all of its railroad properties to the Philadelphia, Baltimore and Washington Railroad Company, and enumerated among the properties in the lease appears the following:

“(d) The railroad generally known as “Chestertown Branch,” extending from a point of connection with said last mentioned branch (the ‘Townsend or Centreville Branch’) at Massey in the State of Maryland, to a point south of Chestertown, in said last mentioned State, a distance of twenty and fifty-two hundredths (20.52) miles; together with a branch therefrom generally known as ‘Nicholson Branch,’ extending from Worton to Nicholson, both points being in said State of Maryland, a distance of three and seventy-three hundredths (3.73) miles.”

Most of the foregoing facts are alleged in the answer of the respondent company, but in addition thereto it denies that it ever was the owner of said railroad, or that now owns the same, and denies that said branch road can be reconstructed without hardship to the respondent, and alleges that the conditions are such in the territory through which said branch line was formerly operated, as would not justify the reconstruction and operation of the same for the transportation of freight or for any other purpose; and avers that it would be most unjust and very unreasonable in the Public Service Commission to require it to reconstruct and operate the said branch road, and that it is advised that no power is conferred upon the Public Service Commission to compel respondent, as lessee, to reconstruct and operate said branch railroad.

A hearing was held at Chestertown, Md., July 13, 1911, after the Commission had viewed the Nicholson terminus of the branch, and the following salient facts were brought out in the evidence:

1. That since the cessation of operation in 1897, the Nicholson Branch has fallen into ruin as a railroad, the rails alone remaining, and these are of light weight, 40 and 45 pounds per yard, and, in the judgment of the railroad officials, unfit for the operation of modern equipment of the class which is now adopted by the railroad companies of the country.

2. That the section of Kent County through which the branch runs and within a radius of five or six miles from its terminus at Nicholson, embraces a prosperous farming community, the soil being productive and well adapted to a diversity of crops, and that improved transportation facilities would probably lead to such changes in farming methods as would increase the agricultural output and the revenues of the railroad company. From a study of the map, filed by the respondent (File No. 20 in this case), however, it appears that a radius of five miles from Nicholson would overlap portions of the main line of the railroad and embrace territory which would undoubtedly use stations other than Nicholson for the shipment of produce. Roughly speaking, the territory tributary to Nicholson would be that part of the county lying west of a north and south line drawn slightly east of Nicholson, and in part of this territory the road would meet some competition with water transportation, by both steam and sailing vessels, to Baltimore. It was in evidence, however, that notwithstanding this competition, the great bulk of the produce is now hauled to Chestertown and Worton and shipped by rail over the Kent County Railroad.

3. The respondent also filed a statement (File No. 23) showing the approximate amount of wheat, corn and pears—the principal crops—at present raised in the vicinity of Nicholson Branch, showing the following totals:

Wheat, 59,400 bushels, or 60 carloads; 59,000 bushels of corn, or 60 carloads; 38,400 baskets of pears, or 43 carloads; and estimated the inbound shipments at eight carloads of coal, ten carloads of lime and ten carloads of fertilizers. This estimate is made from a list of forty farmers.

4. The company's estimate of the cost of rebuilding Nicholson Branch is \$41,923, from which is to be deducted \$2,827 salvage, showing a net cost of \$39,094 (File No. 24). The Chief

Engineer of the Commission considers the estimate reasonable for the character of work and material provided, but also considers that a lower grade of construction would be adequate to take care of the traffic for some time to come. The respondent estimates the cost of replacing the abandoned property in kind at \$35,197, less \$2,827, a net cost of \$32,370. The chief item of difference in the two estimates is in the weight of rails—70 pounds per yard in the one case and 50 and 40 pounds per yard in the other case. The officers of the company who testified claim that the lighter construction will not afford safe conditions for modern locomotives and other rolling stock.

5. The company's estimate of the cost of maintenance of the branch is \$2,100 per year for the first six years, as there would be no renewal of ties during that period. Thereafter the cost of maintenance would be greater.

6. Based upon the traffic described in paragraph 3, and with Baltimore and Philadelphia as the destinations of outbound shipments, the respondent's officers estimate the probable receipts by the Philadelphia, Baltimore and Washington Railroad Company from the branch at about six thousand dollars. By a somewhat complicated process these officials determine the portion of these gross receipts that should be credited to the branch as two hundred and seventy dollars. (See testimony, pages 99 to 106).

7. The company estimates the annual cost of operating the branch, including therein actual operating expenses, maintenance and interest at four per cent. on the cost of rebuilding, at \$6,000—an offset to the estimated revenue.

8. The petitioners and others have repeatedly applied to the railroad authorities for a restoration of the service on the Nicholson Branch.

Upon this statement of the case two questions are presented for consideration and determination by the Commission, namely: (1). Has the Commission power to order the respondent, as lessee of the Delaware Railroad Company, to rebuild and operate the Nicholson Branch? (2). Assuming that the power exists, should such an order be made in this case?

1. Has the Commission power to order the respondent, as lessee of the Delaware Railroad Company, to rebuild and operate the Nicholson Branch?

This power is specifically denied by the respondent. The legal question involved was, therefore, referred to the General Counsel of the Commission, who, in a careful and thoughtful opinion, says that "if the Public Service Commission believes that under the circumstances of the case, the Philadelphia, Baltimore and Washington Railroad Company can reasonably be required to rehabilitate the Nicholson Branch, and to operate it to such an extent as the conditions warrant, in the judgment of the Commission, the Commission, in my opinion does not lack the legal authority to carry its conclusions into execution."

The contention of respondent is largely based upon the fact that the operation of the branch was abandoned in 1897, when it was owned or operated by the Baltimore and Delaware Bay Railroad Company, and has not been operated by respondent either under the operating agreement of 1901 or the lease of February 24, 1910.

Non-user does not necessarily imply abandonment of a railroad or any part of it. "The acts relied on to effect the abandonment of a right of way must be of a decisive character, and whether they amount to an abandonment or not depends upon the intention with which they were done." (General Counsel's opinion, citing *Volger vs. Geiss*, 51 Md., 410; *Canton Co. vs. B. & O. R. R. Co.*, 99 Md., 202.)

The language of the Court of Appeals in the latter case is, "it seems therefore clear, that in this case, as indeed in all others, abandonment is a relinquishment or surrender of rights by one person to another and includes both the intention to abandon and the external act by which the intention is carried into effect." (99 Md., 219, citing a number of cases). The facts in this case do not sustain the contention of the respondent, in the light of these authorities. Whatever may have been the terms of the operating agreement of 1901, which is not in evidence, the lease of February 24, 1910, specifically includes Nicholson Branch and, as stated in the General Counsel's opinion, the respondent "by accepting the demise

recognized and dealt with the Nicholson Branch as a substituting railroad asset and property," notwithstanding its so-called abandonment. Manifestly it must have had some value in the judgment of the contracting parties. That value could, under the conditions then existing, only arise from the franchise privileges. But as to public service corporations, franchise privileges impose obligations. Discussing the charter of the Baltimore and Ohio Railroad Company, the Court of Appeals of Maryland says, "Thus is the power conferred and thus is the duty imposed to construct a railroad. . . . It was certainly a part of the contract of the company, when they accepted their charter, that they would make and keep in repair the road, though it required their whole fortune, which consists of their capital and the earnings of their capital." (State *vs.* B. & O. R. R. Co., 6 Gill, 380.)

It is a well established principle that the failure of a railroad company to construct its line as defined in its charter is good ground for proceedings to vacate the charter.

The company in accepting the franchise to construct its railway must accept the same *in toto*, and such authority does not authorize the construction of a part of the road only. (23 Am. and Eng. Encyc., 2 Ed., 710.)

So, the company cannot lawfully build part of the route laid down in the charter and abandon the rest. The State may forfeit the charter if the company does not construct the whole. (4 Cook on Corp., Sec. 913, citing People *vs.* Broadway R. R. Co., 126 N. Y., 29.)

So, where a railroad company takes up part of its track or abandons and ceases to operate part of its road, or neglects to keep its road in such repair that can be used, or neglects to build part of its road and uses the rest only in getting out coal mined by those who control it, it has been held that the State may enforce a forfeiture of its charter. (1 Elliott on Railroads, Sec. 49 and authorities cited.)

It is clear, therefore, from these authorities, that independently of the Public Service Commission Law, the courts had long ago established the duties of public service corporations in this regard. But the Public Service Commission Law, as the General Counsel points out, in Sec. 23 declares that if

in the judgment of the Commission, repairs or improvement to any tracks, switches, terminals or terminal facilities, stations, motive power, or any other property, construction, apparatus, equipment, facilities or device used by any railroad corporation in or in connection with the transportation of passengers, freight or property, ought reasonably to be made in order to promote the security or convenience of the public or employees, or in order to secure adequate service or facilities for the transportation of passengers, freight or property, the Commission shall, after hearing, either on its own motion or after complaint, make and serve an order directing such repairs or improvements to be made within a reasonable time and in a manner to be specified therein; and he expresses the opinion, in which we concur, that the language of Section 23 is applicable to the Philadelphia, Baltimore and Washington Railroad Company, though its relation to the Nicholson Branch is only that of a lessee. By Section 1 of the law, it is declared that the term "railroad corporation" when used in the Act, shall include every corporation, company, etc., their lessees, etc., owning, operating, managing or controlling any railroad; and by Section 3 it is provided that the jurisdiction, supervision, powers and duties of the Public Service Commission shall extend under the law, among other things, to railroads lying within this State and to the persons or corporations owning, leasing, operating or controlling the same. In the case of *Abbott vs. Johnstown, etc., Horse R. R. Co.*, 80 N. Y., 31, it was held that it is competent for the legislature to transfer all or any liability to the lessee.

To quote further from the opinion of the General Counsel: "Even, however, if the Public Service Commission Law did not contain these provisions, the same consequences, in my opinion, would follow. Not only did the Delaware Railroad Company by its lease to the Philadelphia, Baltimore and Washington Railroad Company demise to the latter company for the term of ninety-nine years and four months and thereafter from year to year until the lease was terminated by written notice given by either party, all the railroads of the lessor with their appurtenances, but also all the corporate rights, franchises and privileges of the lessor necessary to be enjoyed and exer-

cised by the lessee, for the proper maintenance, use, operation and management of the railroads and property demised. Indeed, nothing was withheld from the transfer effected by the lease except the franchise of the lessor to be a corporation and such other rights, privileges or franchises as were or might be necessary to fully preserve the corporate existence or organization of the lessor and of its franchise to be a corporation.

"It is also observable that under the terms of the lease, Article 3, page 7, it is covenanted that the lessee shall and will, at its own proper cost and expense, at all times during the continuance of the lease, manage and operate the railroads and property hereby demised, in the same manner as the lessor, as the owner thereof, was then, or should and might at any time thereafter be required by law to do; and that the lessee shall and will, at its own proper cost and expense, at all times during the continuance of the lease, maintain, preserve and keep the railroad and premises thereby demised and every part of the same in thorough repair, working order and condition. Such language as this is sufficient, in my judgment, independently of any provisions of the Public Service Commission Law, to impose upon the lessee the duty which a railroad corporation owes to the public of operating its road."

Upon this branch of the case, therefore, our opinion is that the Commission has the power to order the Philadelphia, Baltimore and Washington Railroad Company, as lessee of the Delaware Railroad Company, to rebuild and operate the Nicholson Branch of the Kent County Railroad within a reasonable time and in a manner to be specified in the order.

We have deemed it proper and advisable to discuss this subject at some length, because this is the first case in which the particular question has arisen, and it is important that the Commission's view of the principles of law governing such matters should be definitely stated. It is not going too far to say, that it is contrary to public policy to permit public service corporations to pre-empt territory and construct facilities and abandon their use at pleasure, while holding on to the rights and privileges which the franchises confer—in a word, to occupy the vantage ground and ignore the obligations to

the public which spring from it. There may be peculiar conditions which should influence the application of the rule in particular cases, such as the financial condition of the corporation, unusual difficulties or expense of operation, conflict with the convenience of more populous and more important communities, etc., but the basic principle that public service corporations should be required to fulfill their whole duty to the public, both as to the extent and the safety and adequacy of the service, should be rigidly maintained. In the present case none of the exceptions suggested attach.

2. Assuming that the power exists, should an order be made in this case requiring the respondent, as lessee of the Delaware Railroad Company, to rebuild and operate the Nicholson Branch with the limited service asked for in the petition?

The respondent's contention is that it would be manifestly unfair to require compliance with the prayer of the petition, (a) on account of the large expenditure of money necessary to rebuild the branch; (b) the cost of maintenance and operation; and (c) the limited traffic from which revenue is to be derived, coupled with the fact that a considerable part of the traffic which would originate on the branch already reaches the Kent County Railroad at the stations in Chestertown and Worton.

(a) There is no doubt that the rebuilding of the branch would impose some initial hardship upon the respondent. It is to be observed, however, that from the respondent's standpoint the matter is viewed as if the Nicholson Branch were a distinct railroad proposition, having no connection with the system of roads owned, leased and operated by respondent, and in regard to which the respondent is burdened with no obligations or responsibilities. We do not think this a proper way of getting at the duty of the company, because the authorities are in practical agreement that if the service is due to the public, the question of expense is subordinate to the duty of furnishing safe and adequate service; and the Public Service Commission of the Second District of New York recently decided in a case which involved the abandonment of passenger service on a short line of road operated under lease, that "a railroad company may not arbitrarily separate its business in

two parts and while continuing to transact that which yields a profit discontinue that which is handled at a loss." (*Agor vs. Mahopac Falls R. R. Co. et al.*, No. 112.) Or, as stated by the Railroad Commission of Wisconsin, in a case very similar to this, "Such branch will not be anything but a source of expense to the railway company in operating and maintaining the same at present, but this is immaterial if it be an integral part of its system, for the system must be operated as a whole and no part thereof may be abandoned because it does not pay, at least so long as the operating revenues of the entire system are adequate to meet all requirements." (*Meyer vs. Big Lake Lumber Co.*, 7 W. R. C. R., 410.) We concur in these views, and have applied the principle in several cases heretofore decided.

(b) In the company's cost of maintenance and operation is included interest at the rate of 4 per centum on the cost of rebuilding the branch. It is not strictly correct, therefore, to say that the branch would be operated at a loss, taking the receipts and disbursements alone as the basis of calculation, because a return upon the capital investment is allowed in the estimate. Moreover, the estimate is based upon a daily service of 305 days in the year, and also upon the passenger and freight service maintained upon the main line of the Kent County Railroad. There never was a passenger service, nor was there a daily freight service, except during the limited period of the peach season as described above, nor is a passenger service or a daily freight service asked for by the petitioners now. They only ask the restoration of the kind of service provided prior to 1897; and as the peach orchards are gone the service now would be considerably less than formerly. Two hundred days per year would probably be the maximum demand. Using the company's figures we have the following comparative statement of cost of operation on the basis of 305 days and 200 days:

	—305 Days.—	—200 Days.—
Train crew at \$6.01 per day.....	\$1,839.05	\$1,202.00
Oil, Etc., per trip, \$1.50.....	457.00	300.00
	<hr/> \$2,296.05	<hr/> \$1,502.00
Maintenance, per annum.....	2,100.00	2,100.00
Interest, per annum.....	1,563.00	1,563.00
	<hr/>	<hr/>
Totals.....	\$5,959.05	\$5,165.00

and an estimated revenue of \$6,000.

(c) Respondent makes the point, however, that as a considerable amount of the traffic which would originate at Nicholson is now carried over the main line from Chestertown and Worton, it would necessarily lose through the diminished receipts at those stations. This contention seems to be well founded, but the extent to which it would be felt is of course a matter of speculation. A probable effect to it would be an increase in the output of agricultural products in the course of a few years. The country is admirably adapted to trucking, especially in those crops which are used for canning purposes; these crops would probably be raised without material reduction of the present staple crops, and it is not altogether speculative to anticipate that the canning industry would be developed to some extent at least in this section. Some large canning and preserving concerns which have heretofore transported raw material long distances, are now trying the experiment of locating their plants in the country where the produce is raised, thus handling it when fresh and in the best condition, and improving the quality of their output. Such enterprises are already in successful operation in one or two counties of the Eastern Shore. Looking ahead, therefore, there would seem to be a fairly sound basis for expecting an increase of outbound freights in the not distant future, and the diversified farming would result in a demand for fertilizers, at least, and corresponding increase of the inbound freights. But however these considerations may serve to offset the company's calculations in some degree, they are not substantial enough at the present moment to serve as a basis for the action of the Commission.

It seems to us that under the circumstances of this case the people of the section to be served by the re-constructed branch should be willing and required to pay something more than the scheduled line-haul rates. The service asked for is peculiar and special. It involves a very considerable outlay by the company at the outset, the service will be irregular, and the company should have a fair return upon its outlay, so far as reasonable rates will produce that result. We do not mean by this to admit that it is fair to charge all the cost of construction, maintenance and operation against the branch and

credit it only with the inconsiderable part of the receipts which its proportionate mileage earns. For both traffic and revenue purposes, the supposed hauls to Baltimore or Philadelphia should be treated as entireties. It is the system which the respondent operates that makes the investment, and it is the revenue which the system earns from the traffic originating on the branch which must be considered in determining what the fair return should be.

In view of the fact that, as explained above, the revenue from other stations on the Kent County Railroad will be diminished, it is clear that the interest included in the estimate of operation and maintenance would not be fully earned, as it appears to be in the table given above, and in view of the peculiar and special service which would be furnished, which is somewhat in the nature of a switching service, we think a per ton or per car charge should be added to the line haul rate from Worton on outbound shipments and to Worton on inbound shipments.

Using the company's estimate of the traffic we have

59,400 bushels	of wheat.....	1,782	tons	
59,000	" " corn	1,652	"	
38,400 baskets	" pears.....	425	"	(estimated)
8 carloads	" coal.....	160	"	
10	" " lime	150	"	
10	" " fertilizer	160	"	
Total.....		4,329	"	

which, at twenty (.20) cents per ton, would produce a revenue of \$865.80.

We should then have:

Estimated revenue, Worten to destination.....	\$6,000.00
Revenue from Nicholson Branch at 20 cents per ton.	865.80
	<hr/>
	\$6,865.80
Operating expense—200 days.....	\$1,502.00
Maintenance	2,100.00
	<hr/>
	3,602.00
	<hr/>
Leaving balance of.....	\$3,263.80

to pay interest on cost of construction and incidentals.

These figures are, of course, only approximate, and are based upon data supplied by the respondent and the Commission's finding that we are dealing with respondent's system of railroads and not with the branch as a separate corporation.

We think the reconstruction of the branch, with the freight adjusted upon this basis, would not be unjust or oppressive to the company or more than it may reasonably be required to do in the performance of its legal duty under the franchises it has acquired from its lessor. For purposes of its own the respondent has seen fit to acquire and hold the Nicholson Branch. For the convenience of the public it should be required to reconstruct and operate it.

An order will be made accordingly.

ORDER No. 504

In the matter of	} Before the Public Service Commis- sion of Maryland.
H. C. WILLIS ET AL.,	
<i>vs.</i>	
THE PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD COMPANY.	
	Case No. 135.

In accordance with the opinion filed in this case, it is ordered by the Public Service Commission of Maryland, this 5th day of December, 1911,

1. That the Philadelphia, Baltimore and Washington Railroad Company, lessee of the Delaware Railroad Company be, and it is hereby, ordered to repair or re-construct that part of the railroad generally known as "Chestertown Branch," which is generally known as "Nicholson Branch," extending from Worton to Nicholson, both points being in Kent County in the State of Maryland, a distance of three and seventy-three hundredths (3.73) miles, and described in paragraph (d), page 2, of the lease from the Delaware Railroad Company to the Philadelphia, Baltimore and Washington Railroad Company, dated February 24, 1910 (file number 31 in this case), either in accordance with the estimate of cost filed in this case on the 13th day of July, 1911 (file number 24), or in the same manner as to weight of rails and generally as said "Nicholson Branch" was constructed originally, so far as the same may be practicable and appropriate; provided, however, that other and different construction may be adopted upon specifications approved by this Commission. Seven months is deemed ample time within which this order shall be complied with.

2. That upon the completion of such repair or re-construction, the said Philadelphia, Baltimore and Washington Railroad Company shall operate its freight cars upon and over said "Nicholson Branch" in the same manner and furnish the same service thereon as prevailed prior to the year 1897, when the operation of said branch was discontinued, subject, however, to the right of this Commission, which is hereby expressly retained, to make such further order in relation to said service as the convenience of the public may, in the judgment of the Commission, from time to time require.

3. That said Philadelphia, Baltimore and Washington Railroad Company is hereby permitted, in view of the circumstances of this case and the special service provided upon said "Nicholson Branch," to make a per ton or per car charge for all freights hauled over said Branch, or any part thereof, between Nicholson and Worton, in addition to the charges which may attach to or accrue upon the charges to and from Worton upon the lines of railroad owned, operated or leased by said company, or other lines of railroad to and from which such freights may be shipped, according to the tariff schedules filed with this

Commission or otherwise in force; provided, however, that said rates upon the "Nicholson Branch" shall not exceed four dollars and fifty cents (\$4.50), per carload, and shall not become effective until filed with and approved by this Commission.

ORDER No. 505

<p>In the matter of</p> <p>The Complaint of N. R. HENDERSON, CHAIRMAN, ET AL., <i>vs.</i> BALTIMORE AND OHIO RAILROAD COMPANY.</p>	}	<p>Before the Public Service Commis- sion of Maryland.</p> <p>Case No. 134.</p>
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On the request of N. R. Henderson, Chairman, representing the Complainants in the above entitled matter, it is this seventh day of December, 1911, by the Public Service Commission of Maryland,

~~Ordered~~, That the complaint herein be, and it is hereby, dismissed.

ORDER No. 507

<p>In the matter of</p> <p>The Complaint of J. C. BREDEHOEFT <i>vs.</i> BALTIMORE COUNTY WATER AND ELECTRIC COMPANY.</p>	}	<p>Before the Public Service Commis- sion of Maryland.</p> <p>Case No. 224.</p>
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In accordance with the opinion this day filed, it is this eighth day of December, 1911, by the Public Service Commission of Maryland,

~~Ordered~~, That the complaint in the above entitled proceeding be, and the same is hereby, dismissed.

ORDER No. 508

In the matter of The Complaint of MAX MILLER vs. CONSOLIDATED GAS ELECTRIC LIGHT AND POWER COMPANY.	}	Before the Public Service Commis- sion of Maryland. Case No. 261.
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A hearing in the above entitled matter was this day held and testimony therein concluded, and it is this 12th day of December, 1911, by the Public Service Commission of Maryland,

Ordered, That the complaint herein be, and it is hereby, dismissed.

ORDER No. 510

In the matter of The Petition of the WESTERN MARYLAND RAILWAY COMPANY, by THOMAS G. SMILEY, its General Freight Agent, on Behalf of the Emmitsburg Rail- road Under Concurrence F. Md.—5, No. 1, for Permission Under Section 15 of the Public Service Commission Law to File and Publish on Less Than Statutory Notice a Rate of 40 Cents per Net Ton on Lumber, Carloads, from Emmitsburg, Md., to Rocky Ridge, Md.	}	Before the Public Service Commis- sion of Maryland. Case No. 268.
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The above mentioned petition having been received and filed, and upon consideration thereof, it is this 15th day of December, 1911, by the Public Service Commission of Maryland,

Ordered, That permission be, and is hereby, given the Western Maryland Railway Company, on behalf of the Emmitsburg Railroad, under Concurrence F. Md. 5, No. 1, to establish a

rate of 40 cents per 2,000 pounds on lumber, carloads, from Emmitsburg, Md., to Rocky Ridge, Md., on one day's notice to the Commission and the public, provided a tariff containing said rate be filed with the Commission and published by posting as required by law upon the issuance of this order, and that all copies of said tariff shall bear the following notation:

“Issued under special permission of the Public Service Commission of Maryland, Order No. 510, of date December 15th, 1911.”

PROVIDED, FURTHER, That during the continuance of the rate aforesaid, there shall not be in effect any greater rate on lumber, carloads, than the rate hereby established between the two points mentioned, viz., Emmitsburg, Md., and Rocky Ridge, Md., and intermediate points.

IT IS FURTHER ~~Ordered~~, That unless otherwise ordered by this Commission, the said rate of 40 cents per net ton on lumber, carloads, between the points above named shall remain in effect for at least one year from effective date of said tariff to be filed and published as aforesaid.

ORDER No. 511

In the matter of

The Application of the BALTIMORE AND OHIO RAILROAD COMPANY for Permission to File and Publish on Less Than Statutory Notice Re-issue of Petitioner's Tariff P. S. C., Md., No. 162, Providing for Storage Rates on Tobacco in Tubs.

Before the Public Service Commission of Maryland.

Case No. 269.

The above mentioned petition having been received and filed, it is this 18th day of December, 1911, by the Public Service Commission of Maryland,

~~Ordered~~, That permission be and is hereby given the Baltimore and Ohio Railroad Company to re-issue its tariff, P. S. C.,

Md., No. 162, effective on one day's notice to the Commission and the public and to provide additionally for the following:

Tobacco in tubs (capacity, approximately $\frac{1}{2}$ hogshead:

First month or fraction thereof.....20 cents per tub

Each subsequent month or fraction thereof..10 cents per tub

PROVIDED, The aforesaid re-issue of said tariff be filed with the Commission and published by posting as required by law on the issuance of this order, and that all copies of such re-issue tariff shall bear the following notation:

“Issued under special permission of the Public Service Commission of Maryland, Order No. 511, of date December 18th, 1911.”

OPINION.

<p>In the matter of the complaint of</p> <p style="text-align: center;">JOHN E. CHARSHÉE ET AL.</p> <p style="text-align: center;">vs.</p> <p>PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD COMPANY.</p>	}	<p>Before the Public Service Commission of Maryland.</p> <p style="text-align: right;">Case No. 216.</p>
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Hearing, November 9th, 1911. Decided, December 28, 1911.

HERING, Commissioner.

The petition of these complainants was filed with the Public Service Commission on September 9th, 1911, stating that the “Philadelphia, Baltimore and Washington Railroad Company operates a line of freight and passenger trains from President Street Station, Baltimore City, to Bay View Junction, and that the said company by advertisement notified the public that it will cease the use of the said passenger trains after September 10th, 1911; stating also that the discontinuance of the use of said passenger trains from Bay View Junction to President

Street Station, on the present route of travel, would work a great injustice upon the people of the City of Baltimore, as well as those who reside throughout the State of Maryland who have used and continue to use this road as a means of entrance to and exit from the eastern section of Baltimore City." Supplemental to this there was filed with the Commission on November 28th, 1911, and taken as a part of the proceedings in this case, a preamble and resolution passed by the East Baltimore Business Men's Association.

The first hearing in this case was held at the office of the Commission on October 20th, 1911, and a second hearing was held on November 9th, 1911.

The defendant company, to wit, the Philadelphia, Baltimore and Washington Railroad Company was formed by a consolidation of the Philadelphia, Wilmington and Baltimore Railroad Company with the Baltimore and Potomac Railroad Company. The Philadelphia, Wilmington and Baltimore Railroad Company was formed by a consolidation of the Baltimore and Port Deposit Railroad Company with other roads in Delaware and Pennsylvania operating a railroad between Philadelphia, Pennsylvania and Baltimore, Maryland.

The President Street Station, the discontinuance of which, for passenger trains, is the matter in controversy in this cause, was established in 1849-1850 (the freight sheds being built in 1856-1857); and was at that time and for many years thereafter the only station in the City of Baltimore, of the Philadelphia, Wilmington and Baltimore Railroad Company, a constituent of the defendant company in this case. During this period all passengers from the North for Washington passed through President Street Station and were transferred from thence to the Baltimore and Ohio Railroad at Camden Station, and were thus enabled to reach the National Capital. This condition continued until the building of the Union Railroad, with its tunnels, in 1872, and the establishment of Union Station, at which point direct connection was made with the Baltimore and Potomac Railroad for Washington. The company also established two other stations within the limits of the city, one known as Biddle Street Station and the other as Pennsylvania Avenue Station. At these stations all through

trains stopped and no through service was maintained at President Street Station, for passengers, after this period.

After this new arrangement, inaugurated by the railroad company, was put into operation, the passenger service between Bay View Junction and President Street Station was simply a daily to and fro service between these points, or what is sometimes called a "Jerk Water" service. It may also be noted that there is scarcely a section of the city, certainly not a business section, that cannot reach either of these stations with a single fare on the electric railroad. So that the opening of Union Station, Biddle Street Station and Pennsylvania Avenue Station gave to the public, both for through and local passengers, greatly enlarged facilities over that which they had under the former arrangement. As would be expected, after the establishment of these stations, located more advantageously to the general public, the passenger traffic at President Street Station began to decline and continued to decline until, according to the figures submitted at the hearing, the total number of passengers carried over the line, both ways, during the year 1910, was less than an average of four passengers to the train.

It was also shown at the hearing that the average annual revenues for passenger service for the past three years was a little more than \$900.00, and that the cost of maintaining the service was \$920.00 per month, or \$11,040.00 per year, showing an annual loss to the company of more than \$10,000.

This is one of the reasons assigned by the company for discontinuing the passenger service between these two points. Another reason given was that the movement of these passenger trains, which according to the rules of the company have the right of way, was a serious interference in the handling of freight between Bay View Junction and President Street Station. These freight trains, according to the testimony, bring to Baltimore all the high-class business that the merchants handle at this point, which is shipped over the rail roads from New York, Philadelphia and points east. These are termed "time freight trains" and are expected to be at the Highland Yard at a certain hour, say between 8 and 9 o'clock.

These freight trains are said to be, sometimes, as long as two or three squares, and filled with high-class commodities for the Baltimore merchants. At the Highland Yard the cars have to be shifted and apportioned, according to their destination in Baltimore. This road is four miles long, and as three-fourths of this length is single track, it can be readily understood that the movement of these passenger trains would work great inconvenience and delay to the freight trains.

The fact that the railroad company has been maintaining this passenger service at a loss, is not of itself a sufficient reason for its discontinuance. But when you couple it with the fact that less than an average of four passengers were carried during the past year on each of the trains, it shows that while the service was doubtless a convenience to a few individuals, the public, in a general way, has little interest in it.

The fact disclosed by the testimony is, that the community, as such, practically abandoned President Street Station long before the railroad company withdrew the service.

With this statement and the manifest conclusions that must be drawn from it, the Commission will issue an order dismissing the complaint.

ORDER No. 527

In the matter of	} Before the Public Service Commis- sion of Maryland. Case No. 216.
JOHN E. CHARSHÉE ET AL.	
vs.	
PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD COMPANY.	

In accordance with the opinion filed in the above entitled case, it is this 28th day of December, 1911, by the Public Service Commission of Maryland,

Ordered, That the petition of the complainants herein be, and the same is hereby dismissed.

ORDER No. 528

In the matter of	} Before the Public Service Commis- sion of Mary- land.
THE EASTON WATER COMPANY of Talbot County.	
Proposed Rates.	

WHEREAS, The Mayor and Council of Easton, Maryland, have entered a protest against the schedule of rates filed by the said Easton Water Company of Talbot County, Maryland, with this Commission on November 20th, 1911, to become effective January 1st, 1912, and it appearing that the matters and things alleged in said protest should be made the subject of investigation before the said rates become effective, it is this 28th day of December, 1911, by the Public Service Commission of Maryland,

Ordered, That the said effective date of the said proposed rates of the Easton Water Company of Talbot County, Maryland, and the application of said rates be, and the same are hereby suspended until further order of this Commission.

FURTHER Ordered, That a copy of the aforesaid protest of the Mayor and Council of Easton herein, be forwarded to the said Easton Water Company of Talbot County, Maryland, and that the matters complained of therein be satisfied, or that the said protest be answered in writing by said company within twenty days from the service of this order.

OPINION.

In the matter of the
CHESAPEAKE AND POTOMAC TELEPHONE
COMPANY OF BALTIMORE CITY.

—
Proposed Rates.

} Before the Public
Service Commis-
sion of Mary-
land.

} Case No. 38.

(Decided, December 30th, 1911.)

AMBLER, Chairman.

On August 18, 1910, the Chesapeake and Potomac Telephone Company of Baltimore City filed with the Commission "Proposed Tables of Telephone Rates for Baltimore City" with the request that the matter be set for hearing on some day not earlier than October 21st. Accordingly, Monday, October 24, 1910, was appointed for the first public hearing, but in the meantime both the engineering and accounting departments of the Commission were at work gathering data as to the property and accounts of the company, and the Commissioners were endeavoring to inform themselves as best they could on the general subject, especially through the reports of similar investigations in other jurisdictions. It could serve no useful purpose to give in detail the number of communications received in connection with the question of reasonable and proper rates or the number of citizens who appeared in person to present their views or even the number of public hearings that have been held in the course of the investigation. It is a matter of common knowledge that, as the telephone service affects not only almost every household and every business establishment, but practically every individual in the community, the interest in all questions relating to the service or the charges is as widespread as it is keen. The Commission has sought light from every available source, and has endeavored to give a fair hearing and full consideration to every complaint or suggestion.

As the first step in the investigation, the telephone company was required to furnish a detailed list of all its property, with

an itemized statement of the values, and to ensure that this should be full and complete, our Chief Engineer prepared a set of interrogatories to elicit the desired information. The answers to these interrogatories were referred to our chief auditor for verification by comparison with the company's books and accounts. After a close and careful investigation the chief auditor reported the accounts thoroughly systematized and accurate, and that while there had probably been some over valuation of the properties existing at the time of consolidation in 1883, this had been to a large extent corrected by the liberal deductions since made for depreciation, and that he found nowhere any suggestion of value claimed for intangible property. Our Chief Engineer's investigations extended over a period of about five months, during which time his work with his entire staff was unremitting. On March 17, 1911, with other conclusions, he reported that after going over all of the inventories and checking every item, he found the "book" values stated by the company so reasonable and moderate that, in his judgment, nothing could be gained by a "physical valuation." He suggested, however, that, because of the importance of the inquiry, it was desirable to have all of the data that he had collected, together with his conclusions and recommendations, reviewed by a recognized authority in such matters. Accordingly, Mr. Dugald C. Jackson was engaged for that purpose in the month of April, 1911.

Mr. Jackson is a consulting engineer and has been for a number of years professor of electrical engineering in the Massachusetts Institute of Technology. At the time of his engagement as our adviser he was president of the American Institute of Electrical Engineers, which shows his standing among the members of his own profession; but our chief reason for selecting him was the fact that he had been employed by the Massachusetts Highway Commission in its investigation of telephone rates in Boston and throughout the State of Massachusetts and had also been employed by a select committee of the City Council of Chicago in a similar investigation in that city. In the midst of his employment here he was called to London by certain officers of the British Government for advice in connection with the plan of making the telephone a

branch of the government service; and while this had the effect of delaying for some weeks the completion of his work for our Commission, it indicates that his reputation as an expert in telephone matters extends beyond the borders of the United States.

At an early stage of his investigation, Mr. Jackson confirmed the view of Mr. Phelps, our Chief Engineer, that, inasmuch as there was no question of intangible assets and the unit values of the physical property shown by the inventories that the telephone company furnished could be readily checked, it was unnecessary and inadvisable to incur the expense of a physical valuation, which must finally resolve itself into the same question of unit values. On September 10, 1911, he submitted a full and clear report, based in part on the material supplied by Mr. Phelps and in part on the results of his own independent investigations. This report has already been printed and more or less widely distributed, and it was gratifying to find that in every material particular it approves and confirms the findings and conclusions of Mr. Phelps.

All compilations and calculations have been made as of September 30, 1910, which was deemed the most convenient date for that purpose. On September 30, 1910, the actual investment of the telephone company in Baltimore, according to the "book values" furnished by the company, was \$5,667,642.10.

At our request, Mr. Phelps prepared a condensed table giving the values of the several elements of property, as checked by himself, as follows:

Land and buildings.....	\$810,973	38
Exchange equipment.....	1,203,929	99
Subscribers' equipment, including installation.....	781,515	30
Underground conduits.....	1,142,839	97
Pole lines and distribution.....	196,225	74
Underground cables.....	917,340	40
Interior block dist.....	108,704	67
Aerial wire.....	314,445	52
Aerial cable.....	198,089	24
Right of way.....	28,231	22
	<hr/>	
	\$5,702,194	43
Miscellaneous property in Baltimore City.....	79,162	45
	<hr/>	
Total capital investment.....	\$5,781,356	88
Less depreciation for four months (one-third of year at 6 per cent. per annum), say 2 per cent.....	115,627	14
	<hr/>	
Net capital investment as of 9-30-10.....	\$5,665,729	74

It will be observed that, while the rate of depreciation varies for the different classes of property, the result of applying the proper rate to each class makes a little less than 6 per cent. (5.95 per cent.) per annum on the total investment. The difference between the total "book value" (\$5,667,642.10) and the net amount stated by Mr. Phelps (\$5,665,729.74) is due to the fact that, for convenience, he allowed exactly 6 per cent. for depreciation.

For the year ending June 30, 1910, the operating revenue was	\$1,507,550 56
While the operating expenses were.....	645,960 83

So that the net operating revenue was.....	\$861,589 73
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Deducting these charges:

Rentals	\$3,701 82	
Taxes, property.....	79,898 72	
Taxes, franchise.....	40,754 44	
Depreciation, 6 per cent.....	387,065 01	
		461,419 99

Leaves the net income.....	\$400,169 74
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which is less than eight per cent. on the amount invested.

Considering the nature of the business and the risks to which it is subject, and guided in a measure by the conclusions of the Railroad Commissioners of Wisconsin and the Public Service Commission for the First District of New York on the same or a similar question, we are of opinion that eight per cent. is a fair and reasonable return on an investment in telephone property. We also think that for property of this character the allowance for depreciation should be about six per cent. on an average. In this case, therefore, we are not so much concerned to bring about a reduction in the company's net income as we are to see that the rates which produce that income are fairly and equitably distributed among the users of the telephone service.

As stated in Mr. Jackson's report, the telephone rates in Baltimore, as in most cities of this country, are partially an inheritance from earlier conditions of the service. Rates formerly in effect have in many cases become obsolete, but have been continued for old subscribers, while new subscribers have been required to pay a higher rate for the same service or for the old rate to take service covering a smaller area. For instance, among the "flat rate" business subscribers on September

30, 1910, there were 36 who had the \$78 grounded circuit service covering Baltimore and suburbs, while 157 for the same rate had service covering Baltimore only; 302 subscribers had the \$125 metallic circuit service covering Baltimore and suburbs, and 191 for the same rate had the same service covering Baltimore only, while others had precisely the same service (metallic circuit) covering Baltimore and suburbs, some at \$66, some at \$60 and some for as little as \$50 per annum. For two-party line metallic circuit service covering Baltimore and suburbs the varying rates are \$72, \$78, \$84 and \$100. Even among message rate subscribers, while the differences are not so marked, the rates are far from uniform. In other words, not only have the "flat rate" subscribers a great advantage over message rate subscribers, but there is the grossest sort of discrimination among those who apparently belong to the same class. This is entirely opposed to general principles of right and justice, and directly contrary to the provisions of the Public Service Commission Law, which requires that for like and contemporaneous service under the same or substantially similar circumstances and conditions the charge to all shall be the same.

In villages and small communities, where conditions and mode of living are practically the same for all, variations from the general average will be few and inconsiderable, and in such cases a flat rate for any public utility, water, gas, electric light or telephone, is perhaps not unfair. It is simpler and requires less elaborate bookkeeping, and to that extent has the merit of lessening the expense to all. But in a large city, the difference in conditions, circumstances, habits and modes of living are too great to permit of any flat rate that will be fair to everyone. At this day no one would suggest that either gas or electricity should be sold at a flat rate, regardless of the amount used or wasted by each individual consumer. Everyone sees at once that in the case of each of these utilities the rule of fairness requires that every consumer should pay for his own actual use, and it is not easy to find a reason that would justify a different rule in the case of telephone service. The statistics gathered by our engineering department show that while the amount of telephone service required for residences is fairly uniform, differences in the business service are

enormous, so that any business flat rate is bound to be unjust and discriminatory.

Any adjustment of telephone rates must necessarily make the service much more expensive to some subscribers who now enjoy unlimited service at little cost. For example, excluding a two-party line, practically a private line, that has a special rate because of unusual length, one subscriber now has six unlimited telephones and for one of them pays a flat rate of \$125 per annum, while over the other five lines the service is not only unlimited, but absolutely free. For a week in October the telephone company for its own purposes kept a record of the outgoing messages over these six lines and at the request of the Commission a second count was made for a week of the current month (December). These two counts show an average of over 500 messages a week for each of the six lines, although practically all of the messages went over five lines, since one line is intended exclusively for incoming messages. Five hundred messages a week make 26,000 messages a year, and that means for the six lines an average of 156,000 messages at a total cost of \$125. It is therefore quite natural, that this subscriber should be averse to any change in so advantageous an arrangement; but, on the other hand, it is obvious that, regardless of other expenses connected with this service, the salaries of the operators required to handle 156,000 messages must far exceed \$125 per annum; and it is equally obvious that, as the telephone business has on the whole been profitable to the company, the loss incurred in serving this subscriber has been in some way made good by the rest of the community.

We have taken an extreme case to serve as an illustration, but the same thing is true of many other flat rate subscribers, although not to the same extent. According to the calculations of Mr. Phelps, the flat rate business service costs the telephone company between \$35,000 and \$40,000 a year more than the revenue from that source, and the burden of this loss is now distributed among the subscribers who pay message rates. The real conflict of interest in this case, therefore, is not between the telephone company and the business public, but between the relatively small number of subscribers who have unlimited business service and the much larger number whose service is measured.

The avowed object of the new rates proposed by the telephone company is to abolish discriminations and reduce the cost of service to all subscribers except those who have heretofore been specially favored; and that we understand to be one of the main purposes of the law creating this Commission. That the new schedules will affect a reduction of cost to all subscribers whose service is now measured, that is, on a message rate basis, appears at once from comparison of the proposed rates with those now existing. It is to be noted that, for business service, the company proposes two schedules, designated A and B. Under schedule A the annual rate covers the right to a certain number of messages during the year, and at the end of the year the account is adjusted so as to make the charges cover the actual number of messages sent. Schedule B is intended for those who are likely to require a large amount of service, and prefer a contract for a definite number of messages at a reduced rate conditioned upon the waiver of any right to have the cost of unused messages refunded. The comparative tables are as follows:

SCHEDULE A.							SCHEDULE B.		
DIRECT LINE. PRESENT.				MESSAGE RATE. PROPOSED.			DIRECT LINE. PROPOSED.		
Messages Per Year.	Annl. Rate.	Per Mess.	Addl. Mess.	Annl. Rate.	Per Mess.	Addl. Mess.	Annl. Rate.	Per Mess.	Addl. Mess.
600	\$ 48	8. c.	5c.	\$ 42	7. c.	5c.			
800	57	7.1	5	51	6.38	5			
1,000	66	6.6	5	60	6.	5			
1,200	75	6.25	5	69	5.75	5			
1,500	87	5.8	5	81	5.4	5			
1,800	96	5.53	5	90	5.	5	\$ 75	4.17c.	5c.
2,100	105	5.0	4	99	4.71	4			
2,400	114	4.75	4	108	4.5	4	87	3.62	4
2,700	123	4.55	4	117	4.33	4			
3,000	132	4.40	4	126	4.2	4	99	3.30	4
3,300	141	4.27	4	132	4.0	4			
3,600	150	4.16	4	138	3.83	4	111	3.08	4
3,900	159	4.07	4	144	3.70	4			
4,200	168	4.0	4	150	3.57	4	123	2.93	3
4,500	177	3.93	4	156	3.47	4			
4,800	186	3.87	4	162	3.37	4	135	2.81	3
5,100	195	3.82	4	168	3.29	4			
5,400	204	3.78	4	174	3.22	4	147	2.72	3

If the present return to the company is not excessive and the effect of the proposed change is to abolish discrimination and distribute the cost of the service more equitably among all subscribers, it may well be asked why the Commission has so long delayed its approval of the new rates. The delay has been for two reasons. In the first place, it is hoped that the reduction in the message rate will greatly extend the use of the telephone and so increase the company's revenue. It is not possible to estimate the amount of this increase in advance with any degree of accuracy, but we have assumed that in fixing the new rates the telephone company was careful not to make them too low, and we have been anxious on our side to avoid the risk of leaving them too high. It is our duty to see that the charge is as low as possible without injustice to the company and without impairing the efficiency of the service, but we have to recognize the fact that no rate can be fixed on the abstract principle of absolute equality to all without reference to its effect upon the volume of traffic. The company's ability to render prompt and efficient service depends upon maintenance of revenue somewhat in excess of expenses, and that cannot be accomplished without traffic sufficiently large and so adjusted as to keep its equipment and working force employed to the best advantage, that is, without excessive overloading for part of the time and extreme idleness for the rest of the time. Wherever conditions or requirements are not the same for all, our constant aim, of course, must be the attainment of the greatest good for the greatest number. All of these matters called for careful and patient investigation and consideration.

Secondly, so much complaint has been made of the way in which the record of messages is now kept that we have been reluctant to require all business service to be put on a measured basis unless and until some plan could be devised to enable the subscriber to check the count made by the company. Only within the last few days have we been assured that the company will soon be in position to install recording devices that will immediately notify the subscriber whenever a message is charged against him. Of course, no mechanical device can afford absolute protection against the possibility of error. But

whenever a charge is improperly made, immediate notice of the fact will enable the subscriber to enter a prompt protest or prepare his objection while the facts are still fresh in his mind. While the company has not yet a stock of registers on hand, it has tested the device and arranged for the manufacture of a sufficient number.

The telephone meter has not yet entirely passed the experimental stage and in one important particular differs from the other meters which are now in familiar use. In the case of water, gas or electricity, the serving company would have no means of measuring the consumption, and therefore would be unable to fix its charges or render any bills, if it were not for the meter on each consumer's premises. In the case of each of these utilities, the special meter is an essential part of the equipment for measured service, and is indispensable to the serving company; but the telephone company has other means of ascertaining the amount of service used and is not at all dependent on the subscriber's meter, which will be solely for the subscriber's individual protection or satisfaction. Indeed, the use of a meter will be altogether optional with each subscriber, and it is only fair that those who desire this special and not indispensable appliance should pay the cost of it. As every addition to the expenses of the company is so much added to the cost of the service, which in one way or another must ultimately be paid by the public, any other rule would impose upon those who do not need or desire meters the burden of contributing to the cost of meters supplied to others who choose to take them. Obviously, that would be neither fair nor right. Until the experiment has been thoroughly tested, it is not possible to tell exactly what will be a fair charge for the meter. From the best information and advice now available, we are of opinion that a reasonable charge will be \$3.00 for a year or any fraction thereof, but we will reserve the right to change or modify or cancel this charge if from practical operation it proves unfair either to the public or to the company.

Inasmuch as the company has, through coin boxes and pay stations, to some extent adopted five cents as the standard rate for local messages, we were at one time strongly inclined to insist upon that as the maximum rate for all subscribers.

Large users of the service have already a rate much below five cents, but in some instances the rate to the small user is as much as eight cents for each message. The case of the small user especially appeals to the Commission, and in the course of our search for the best relief, we had the outstanding contracts classified, and the number of subscribers in each class at the existing rates for direct line business service is as follows:

Number Calls per Annum.	Rate per Annum.	Number of Subscribers.
600.....	\$48 00	2,051
700.....	53 00	11
800.....	57 00	175
1,000.....	66 00	486
1,100.....	71 00	3
1,200.....	75 00	295
1,300.....	80 00	5
1,400.....	85 00	120
1,500.....	87 00	3
1,600.....	92 00	159
1,700.....	.....	...

This table shows clearly that the number of subscribers who would be benefited by a reduction of the charge for the minimum number of messages is considerably greater than the number of those who would be benefited by an increase in the number of messages allowed for the minimum charge. That is to say, if it be assumed, as we think it must be, that the reasonable minimum charge is about \$40 per annum for each main station, the number of persons who would want a minimum rate of \$39 for 600 messages is greater than the number who would prefer a minimum rate of \$42 for 840 messages. This is readily understood if one takes into consideration the number of cases in which, from a practical business standpoint, telephones are installed not so much for the messages that the subscriber wants to send as for those that he desires to receive. The telephone is a convenient means of bringing a merchant orders for the goods that he has for sale, and with one outgoing order to a wholesale house, he can obtain supplies enough to fill a great many incoming orders from retail purchasers. Moreover, it is not only worth something to every subscriber to have his name and address listed in the telephone directory, so that all of his clients or customers will know how to reach him, but it is a great convenience to have a telephone right at

hand, instead of being obliged to go out to a pay station, whenever he wants either to send or to receive a message. He can well afford to pay a small extra charge for this great advantage that he has over the man whose only means of service is through a pay station.

After long and repeated discussion of the matter, the telephone company has consented to accept as a substitute for its proposed Schedule A for direct line business service the following:

Number of Messages to Be Sent in One Year.	Rates Submitted Aug. 18, 1910.	Rates Substituted.	Addl. Local Messages, Each.
600.....	\$42	\$39	5 cents.
800.....	51	48	5 "
1,000.....	60	57	5 "
1,200.....	69	66	5 "
1,500.....	81	78	5 "
1,800.....	90	87	5 "
2,100.....	99	96	4 "
2,400.....	108	105	4 "
2,700.....	117	114	4 "
3,000.....	126	123	4 "
3,300.....	132	132	4 "
3,600.....	138	138	4 "
3,900.....	144	144	4 "
4,200.....	150	150	4 "
4,500.....	156	156	4 "
4,800.....	162	162	4 "
5,100.....	168	168	4 "
5,400.....	174	174	4 "

On the basis of existing contracts, the new Schedule A means a saving of over \$40,000 per annum to the 4,454 subscribers who now have this service. As there are at this time no rates corresponding to those set out in Schedule B, the total reduction to be affected by that schedule cannot now be estimated, but Mr. Phelps shows in his report that, in comparison with the rates under the present Schedule A, which are the only direct line message rates now in effect, the saving will rise steadily from 22 per cent. for a subscriber using 1,800 messages per annum to 28 per cent. for one using 5,400 per annum.

Schedules C, D, and E, relating to auxiliary stations and private branch exchanges, are all designed to meet the requirements of large users and as they make in each instance a re-

duction from the present rates, we have no hesitation in approving them.

Schedule F, designed for users whose requirements are very limited, proposes to continue the present rate of \$2.50 a month for 30 messages and 5 cents for each additional message. In this schedule we think the monthly rate should be reduced to \$2.00 a month, so as to be more in accord with the Schedule B of Residence Service and also with the further changes hereinafter mentioned. Schedule G will be changed as follows:

Wherever desired a station equipped with a coin collecting device will be furnished with the usual rate of five cents for each local message and a minimum guarantee as follows:

	Fixed Annual Charge.	Daily Guarantee in Local Messages at 5 Cents Each.	Annual Guarantee for Messages.	Annual Minimum Guarantee.
<i>Residence:</i>				
2-party line....	\$8 40	1	(365 @ 5c. \$18 25)	\$26 65
<i>Business:</i>				
2-party line....	9 60	1	(365 @ 5c. 18 25)	27 85
Direct line.....	12 00	2 (Ex. Sunday)	(626 @ 5c. 31 30)	43 30

These modifications of the proposed rates, and particularly the choice between a coin box and a recording device wherever one or the other may be desired, are in our opinion a very distinct gain for the public, and we hope will be generally considered in some measure worth the time and money so far spent in the investigation. It may be that in the course of time it will be necessary or at least proper to have the residence service also on a measured basis; but we are advised by our experts that the same reasoning does not apply to that as to the business service or certainly not to the same extent. In the first place, the traffic statistics show that the flat rate residence service about takes care of itself and imposes no burden on any other kind of service. It is more easily handled because it is more evenly distributed through the entire day and is not congested in a few "rush" hours. Moreover, while

the amount of service is not the same in every household, the variations from the average is never so great as in the business service. As Mr. Jackson expresses it, in the one case the range of difference is between 1 and 4, while in the other case the range is between 1 and 50. It is, therefore, easier to adjust flat rate residence rates so as to meet fairly the average requirements, without imposing an excessive burden on any in the same class and without imposing any burden at all upon other classes. We accept the judgment of Mr. Phelps, concurred in by Mr. Jackson, that a flat rate residence service may be properly maintained.

Under Residence Service, we accordingly approve Schedules A and C. We also approve Schedule B, which works a reduction per annum for the party line message rate service, with the understanding that this means a 2-party line only. But we disapprove Schedule D, as we understand that boarding houses will be entitled to the lower rates on which, as we have already stated, coin boxes will be installed wherever required.

Under the heading "General" the "Proposed Table of Telephone Rates" also contain provisions for certain special kinds of service or equipment. We approve the rates for extension stations and cordless monitor switchboards. The latter because it is a reduction from the present charge and the former because, in addition to the reasons given in Mr. Jackson's report, we find, from the best information available, that this is the lowest rate obtaining in any large city of the country. In several cities the rate is higher, but we have nowhere found a lower rate. The other "General Rates and Regulations Applicable to both Business and Residence Service" must be reserved for further consideration. While we are disposed to think that they are in the main reasonable and proper, we have not yet been able to give them the thorough consideration that should precede any final conclusion.

Owing to the number of subscribers whose contracts will have to be adjusted to the new schedules, it will be necessary to allow a certain time before the new rates take effect, and in the case of the flat rate business service particularly, it is only proper that a reasonable time be allowed for those who have

enjoyed that privilege to adjust themselves to the new conditions; but we consider it important to have the reduction in rates as soon as possible and therefore, while we will reserve for further consideration the question relating to special equipment or service, above mentioned, we will at once sign an order authorizing and requiring the telephone company to put its new schedule of rates, modified as we have stated, into effect on May 1, 1912, except that the present business flat rate contracts may be continued until October 1, 1912, and shall only be cancelled then on condition that every subscriber desiring a meter shall have his main station promptly equipped with a registering device that will immediately register every message charged to his account in such a way as to enable the subscriber to obtain prompt notice of the fact and also in such way that the record of the number of messages already charged may be plainly visible, or, if the subscriber prefers, with a coin box as described in the modified proposed tables.

We content ourselves at this time with prescribing the results to be accomplished, without undertaking to designate the specific device to be used for that purpose; but the subscriber's meter, like every other instrumentality employed in the service, will, of course, be subject always to our supervision and regulation, and while we rely on the company's good faith as well as the knowledge and skill of its experts, for the adoption of a proper device, yet if the meter adopted should prove unsatisfactory in practical operation, we shall not hesitate to require the prompt substitution of one which, in our judgment, has demonstrated its usefulness.

As to all matters which we have reserved for further consideration, the charges shall for the present, and unless and until otherwise determined by the Commission, be as set forth in the telephone company's "proposed tables." To insure a fair trial for the new rates, our order now will provide that they shall remain in force for a period of three years beginning on May 1, 1912, with a reservation of the right to change or modify or cancel the meter charge if that should prove to be unfair or unreasonable, and to enable the Commission to keep in touch with the situation, we will require the telephone com-

pany to make frequent reports of the progress in applying the new rates and of the effect upon the number of telephones in each class.

NOTE.—The numbers omitted are those of purely preliminary or interlocutory orders, as to “Satisfy or Answer” Complaint, for hearings, postponements, etc.

APPENDIX III.

OPINIONS FILED BY COUNSEL TO COMMISSION.

(38)

<p>In the matter of</p> <p>Existing Legislation in Maryland Prohibiting Trespass Upon Railway Rights of Way.</p>	}	<p>January 11, 1911.</p>
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To the Public Service Commission of Maryland:

I am in receipt of communication of the 9th inst., asking me to give the Commission such information as would enable it to reply to the letter of the League for Public Safety, dated the 5th inst.

Your letter was referred by me to Mr. Albert C. Ritchie, Assistant General Counsel to the Commission, for an investigation and report, and I enclose herewith a copy of his report to myself, dated the 11th inst. Its statements as to existing legislation in this State in relation to the subject presented by the letter of the League for Public Safety, agree with the results of my own personal investigation; nor have I heard any more than Mr. Ritchie of any proposed legislation in this State in relation to the matter.

W. CABELL BRUCE,
General Counsel.

JANUARY 11, 1911.

W. CABELL BRUCE, Esq.,

General Counsel to the
Public Service Commission of Maryland.

As requested by you, I have considered the inquiry of the League for Public Safety, dated January 5, 1911, as to whether

any laws exist in Maryland prohibiting trespass upon railway rights of way.

I do not find either in the Maryland Code or in the Acts of Assembly passed since the Code, any statute prohibiting trespass upon railway rights of way. Legislation of a somewhat analogous character is as follows:

Code 1904, Art. 27, Secs. 79-82, making it a crime to enter upon railroad cars, locomotives, etc., with intent maliciously to destroy same.

Art. 27, Sec. 94, provides for the punishment of persons who disturb the peace upon railroad station grounds, in railroad trains, etc.

Art. 27, Secs. 364-367 and also Sec. 367-A, enacted by the Acts of 1910, Chapter 503, p. 94, making it a felony to place anything upon railroad tracks calculated to obstruct or overthrow trains, or to break or injure the tracks in any manner, with the intent to obstruct or overthrow trains; and making it a misdemeanor to cling, climb, jump, step or in any other way get upon any locomotive or car unless in compliance with law or under the rules and regulations of the Company; and also making it a misdemeanor to interfere with railroad signals by giving either start or stop signals; and finally making it a crime to remove without authority from any railroad track, any bond wires, nuts, bolts, spikes, etc., or to remove the same from any locomotive or car or to interfere with any air brake.

Art. 23, Secs. 402-408, authorizing the official appointment of special police officers upon the request of railroad companies for the protection of the property of such companies and for the preservation of peace and good order on their premises and trains.

The next session of the Maryland Legislature does not convene until 1912 and I have not heard of any proposed legislation along the lines of the inquiry of the League for Public Safety.

Very truly yours,

ALBERT C. RITCHIE,
Assistant Counsel.

(39)

In the matter of
Temporary Employment of an Employe of
the CONSOLIDATED GAS ELECTRIC LIGHT
AND POWER COMPANY to Instruct the
Man Now in Charge of the Gas Plant of
the Easton Light and Fuel Company—
Whether Within the Prohibition of Sec-
tion 2 of the P. S. C. Law.

} January 21, 1911.

To the Public Service Commission of Maryland:

I am in receipt of communication, dated the 13th inst., asking me, on behalf of the Commission, whether the prohibitions of Section 2 of the Public Service Commission Law (p. 12, last paragraph) would be violated by the appointment of an employe of the Consolidated Gas Electric Light and Power Company, as an employe of the Commission, to supervise for a time the practical workings of the gas plant of the Easton Light and Fuel Company, with a view to instructing the man now in charge of the plant as to how it should be operated.

In my opinion the post, however temporary, would be a "position" under the Public Service Commission Law. The person proposed to be employed would hardly seem, however, to sustain any official "relation" to the Consolidated Gas Electric Light and Power Company, within the meaning of the law. Be this as it may, the case, it seems to me, falls too clearly within the spirit of the law to justify the Commission in insisting so nicely upon the exact letter of its jurisdiction. It would be better, it seems to me, for the Commission to appoint some person familiar with the workings of gas plants who is not connected with any gas company in this State.

W. CABELL BRUCE,
General Counsel.

(40)

In the matter of	}	
THE MUSICAL UNION OF BALTIMORE CITY		
vs.		
THE UNITED RAILWAYS AND ELECTRIC COM- PANY OF BALTIMORE.		
(Jurisdiction of the Commission.)		January 21, 1911

To the Public Service Commission of Maryland:

I am in receipt of communication of the 19th inst., referring to me a letter from the Musical Union of Baltimore City to the Commission dated January 17, 1911. The letter complains that the United Railways and Electric Company, in the management of its amusement parks, employs "out-of-town so-called Royal Italian Bands" instead of Baltimore musicians, and also as the Union has reason to believe at rates of compensation lower than those prescribed by the Union.

In my opinion, the complaint is one wholly beyond the jurisdiction of the Commission. It relates to the internal management of the Street Railway Company in a particular of which the Commission is not given cognizance or attempted to be given cognizance by the Public Service Commission Law. The Street Railway Company has the right to employ any musicians it pleases and to pay them what it pleases, and neither the Commission nor any other tribunal in this State is empowered to fetter its freedom in this respect.

W. CABELL BRUCE,
General Counsel.

(41)

In the matter of the
Obligation of Commission to Prosecute In-
dividual for Breach of the Public Service
Commission Law by Obtaining Trans-
portation at Less than Published Rates
Through Misrepresentation. } January 27, 1911.

To the Public Service Commission of Maryland:

I am in receipt of communication of the 23rd inst., asking me on behalf of the Commission whether it has jurisdiction to deal with the complaint contained in the letter, dated the 20th inst., from J. S. Norris, the General Manager of the Maryland and Pennsylvania Railroad Company, which accompanied your communication to me. I answer no. Assuming that the facts surrounding the complaint are fully and correctly stated in every respect, they would yet constitute nothing more than an individual breach of duty in an individual instance over which the authority of the Commission, under the Public Service Commission Law, does not extend. The Counsel of the Railroad Company would doubtless experience little difficulty in advising it whether the case was a proper one for criminal prosecution.

W. CABELL BRUCE,
General Counsel.

(43)

In the matter of
Annual Reports to the Commission by
Corporations Operating Under Mary-
land Charters, and Doing Interstate
Business Only. } February 7, 1911.

To the Public Service Commission of Maryland:

I reply to the communication dated January 12, 1911, which was accompanied by a copy of a resolution of the Commission

of the same date, asking me for an opinion as to whether "corporations operating under Maryland charters and owning property in the State, and having one of their termini therein, and doing an exclusively interstate commerce business, could be required to file annual reports under the provisions of the Public Service Commission Law."

I beg leave to remind the Commission that this was one of the questions with which I dealt in the opinion rendered by me to the Commission on July 13, 1910 (Opinion No. 6) in the matter of the letter of July 9, 1910, from Mr. J. S. Lemmon, General Counsel of the Baltimore Steam Packet Company to the Commission, asking it to advise him whether his company came under the jurisdiction of the Commission.

In the opinion to which I refer, in endeavoring to draw some line of demarcation between the relationships of the Packet Company controlled by the Interstate Commerce Clause of the Federal Constitution and those which were not, I used these words:

"It seems to me that this Company is perhaps likewise subject to the provisions of Sec. 21, relating to reports required of common carriers."

In using the word "perhaps" in this statement, I used it advisedly because it can not be denied that the wording of the Public Service Commission Law is such here and there, as to impart much force to the contention of Mr. Lemmon, (maintained at the interview with the members of the Commission and myself, after the date of his letter to the Commission above referred to) that whatever may be the powers of the Legislature in relation to requiring annual reports of such a corporation as his, (that is to say, a steamboat corporation having one terminus in the State of Maryland and the other in the State of Virginia and not touching at any intermediate point between these two termini) there has been no such clear and distinct exercise of any such powers in the Public Service Commission Law as to bring a corporation circumstanced as the Packet Company is, within the scope of the law.

Since the receipt of your letter, I have carefully re-examined the question that it submits to me, and if the conclusion expressed in my former opinion has undergone any modification, it is in the nature of a stronger conviction than was expressed in this former opinion as to the power of the Commission to require annual reports of such corporations as those specified in its resolution.

After the interview between Mr. Lemmon, and the members of the Commission and myself, the Commission will recollect that it informed Mr. Lemmon and the other representatives of corporations in the same situation as the Packet Company, that they need not file annual reports unless and until further required by the Commission to do so. Even if the jurisdiction of the Commission in the premises was more doubtful than it is, I should feel constrained to advise the Commission to insist upon it, because if such a Commission does not insist somewhat strictly upon its own jurisdiction, there is no other agency by which the unfortunate consequences that might in some instances result to the public welfare from its failure to do so could be rectified.

I therefore advise the Commission to issue a further notice to each and every one of the corporations belonging to the class of corporations mentioned in the resolution of the Commission, requiring it to render the annual report called for by the Public Service Commission Law.

W. CABELL BRUCE,
General Counsel.

(44)

In the matter of the	}	February 7, 1911.
Power of the Commission to Fix Minimum		
Rates.		

To the Public Service Commission of Maryland:

I reply to communication of January 23, 1911, enclosing me a copy of a letter from Mr. Vernon S. Bradley, secretary, to

Mr. Laird, of the Commission, dated January 20, 1911, asking him whether "an infant corporation (public service) is protected by the Public Service Commission law from annihilation by a competing corporation by means of unreasonable cutting of rates."

In your communication to me, you request my opinion upon the question submitted to Mr. Laird by this letter. As the letter of Mr. Bradley was rather abstract and indefinite, I wrote to him on January 27, 1911, asking him to be so kind as to let me know the names of the two corporations referred to in his letter, and the character of the public services that they were respectively rendering. To this letter I received a reply dated January 30, 1911, which I herewith enclose, with the request that you return it for my files when it has been read by the Commission. The reply is very clear and satisfactory, and after the closest consideration of its contents, in which I have been very much aided by the research and reasoning of my assistant, Mr. Ritchie, I am of the opinion that the Commission has no power to fix a minimum rate for the future in such cases as that presented by this communication.

Section 13 (pages 21-22) of the Public Service Commission law provides that rates "shall be just and reasonable and not more than allowed by law, or by order of the Commission, conformably with the law," and by the same section, "every unjust and unreasonable charge" is declared to be unlawful.

Section 15 (page 23) requires carriers to file and publish tariff schedules showing their rates, and prohibits any change in the rates as shown upon these schedules, except after thirty days' notice to the Commission and publication, unless the Commission, for good cause, allows changes to be made without requiring such notice and publication.

Section 16 (page 25) prohibits carriers from receiving a greater, less or different compensation than the rate fixed in the schedule.

Section 23 (page 33) authorizes the Commission, either upon its own motion or upon complaint, when after a hearing it is of opinion that rates are "unjust, unreasonable, unjustly discriminating or unduly preferential, or in anywise in violation of any provision of law," to determine "the just and reasonable rates,

tolls, fares and charges to be thereafter observed and in force *as the maximum to be charged* for the service to be performed, and this section further requires the Commission to fix the same by order to be served upon all common carriers or other corporations by whom such rates, fares and charges are thereafter to be observed."

Prior to the enactment of the Hepburn Act of June 29, 1906, the Interstate Commerce law provided that rates should be just and reasonable, and that the Interstate Commerce Commission should enforce the provisions of the law, but conferred no express power upon the Commission to establish rates. The United States Supreme Court held that under the law as it then stood the Commission had no power to prescribe what was a reasonable rate, or to prescribe a tariff of rates, whether maximum, minimum or absolute, which should control in the future. The Commission's sole power was to pass upon the reasonableness of an existing rate.

It could say that such rate was unreasonable, but it could not say what rate was reasonable.

C. N. O. & T. Ry. Co. v. Interstate Commerce Commission, 162 U. S., 184, 196.

Interstate Commerce Commission v. Ry. Co., 167 U. S., 479.

Interstate Commerce Commission v. Alabama, &c., Ry. Co., 168 U. S., 144.

Interstate Commerce Commission v. Chicago, &c., Ry. Co., 209 U. S., 108, 120.

See, generally, Drinker, Interstate Commerce Act, Vol. 1, Secs. 270-273.

These decisions led to the passage of the Hepburn Act of June 29, 1906, amending Section 15 of the Interstate Commerce law, by conferring upon the Interstate Commerce Commission power, upon complaint, whenever it was of opinion that rates were "unjust or unreasonable, or unjustly discriminating, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this Act, to determine and prescribe "the just and reasonable rate or rates, charge or charges, to be

thereafter observed in such cases *as the maximum* to be charged," and the carrier was required to comply with rates thus established.

It will be seen, therefore, that the power of the Interstate Commerce Commission over rates is practically the same as the power over rates granted to the Public Service Commission by the General Assembly.

In my opinion, I repeat, the Commission has no power to fix minimum rates, but can fix maximum rates only. The requirement of Section 13 of the Public Service Commission law that all rates shall be just and reasonable, and the declaration of the same section that unjust and unreasonable rates are unlawful, do not, as indicated by the United States Supreme Court cases already cited, confer upon the Commission power to establish any rates at all. Therefore, the Commission's power in this respect is derived solely from Section 23, and by the express terms of that section the rates which the Commission is authorized to prescribe are the rates to be thereafter observed "*as the maximum* to be charged."

In *re Chicago, St. Paul & Kansas City Ry. Co.*, 2 Interstate Commerce Reports, 137, 146 (1888), the Interstate Commerce Commission, in a lengthy opinion by Commissioner Cooley, recognized the fact that carriers sometimes reduced rates to a point where they became unreasonably low, or even, if continued, ruinous to them, for the purpose of suppressing competition, but held that the words "just and reasonable" in the Interstate Commerce Act referring to rates "were employed to establish a maximum limitation for the protection of the public, not a minimum limitation for the protection of reckless carriers against their own action." See also pages 231, 261.

That decision was referred to in the case of *Interstate Commerce Commission v. Cincinnati, &c., Ry. Co.*, 167 U. S., 479, ante, and the Court said of it on page 511:

"The Commission held that it had no power to order rates to be increased upon the ground that they were so low that persistence in them would be ruinous. The opinion in that case, prepared by Commissioner Cooley, and with his usual ability, while seeking to prove that under the provisions of the statute the Commission has no power to prescribe a minimum or to

establish an absolute rate, but only to fix a minimum rate, goes on further to show how the operation of other provisions of the Act tends to secure just and reasonable rates. Were it not for its length, we would be glad to quote all he says on the subject. We think that nearly all of the argument which he makes to show that the Commission has no power to fix a minimum or establish an absolute rate, goes also to show that it has no power to prescribe any tariff, or fix any rate to control in the future."

It is true that both these decisions were rendered prior to the Hepburn Amendment of 1906. The Supreme Court, however, agreed with the Commission that it was without power to fix minimum or absolute rates. Indeed, it went further and held it to be also without power to fix any rates at all. The power in this connection which was subsequently conferred by the Hepburn Act, specifically authorizes *maximum* rates only. Since prior to the Hepburn Act the Interstate Commerce Commission was expressly declared by the Supreme Court to have no power to fix minimum, absolute or maximum rates, and since the only power thereafter conferred is the power to fix maximum rates, it follows that the lack of power to fix minimum rates still continues.

That this is so seems to have been the effect of subsequent rulings of the Interstate Commerce Commission, although I do not find that the question has been passed upon by the courts.

Commercial Coal Co. v. B. & O. 15 I. C. R., 11, 14.

LaSalle Paper Co. v. Ry. Co. 16 I. C. R., 149.

Drinker, Interstate Commerce Act, Vol. 1, Sec. 274, p. 396; Supplement Sec. p. 183.

It seems to me that exactly the same reasoning is applicable to the Public Service Commission Law.

The Interstate Commerce Act, too, I believe, "was not designed to prevent competition between different roads," (Interstate Commerce Commission v. B. & O. R. R., 145 U. S. 263, 276), and in exercising the rate making power it is proper to

"take into account competition with other carriers, provided only that the competition is genuine and not a pretense."

Interstate Commerce Commission v. Chicago, &c., Ry.
Co., 209 U. S. 108, 119 and cases there cited.
Hutchinson, Carriers, Volume II, Sec. 559-564.

The recognition of competition as an element in determining the reasonableness of rates, is a recognition of the carrier's right to reduce rates to meet competition to a more distant point, and to charge proportionately more to a nearer and non-competitive point.

As already stated, Sec. 15 (page 24), of the Public Service Commission Law prohibits carriers from changing their rates as shown upon their tariff schedules except after notice to the Commission. But if the law was not designed to prevent competition, it can not be that the approval of the Commission of a cut in rates should be refused upon the ground alone that a competing carrier would be thereby injuriously affected.

In my judgment, any protection afforded the proposed new line can only be worked out through Sec. 16 (p. 25), Sec. 18 (p. 27), Sec. 22 (pps. 31-32), Sec. 23 (p. 33), which prohibit undue or unreasonable preferences or advantages, or discrimination to or between persons, localities, and particular descriptions of traffic, or under Sec. 19 (p. 28) containing the long and short haul clause. When the carrier notifies the Commission that it desires to lower its rates, the Commission can not, in my opinion, prohibit this merely because of the injury which may thereby be caused to a competing carrier, but it may very well be that the proposed low rate may result in undue preference to or discrimination against some particular locality, in which case the preference or discrimination would, I think, be unlawful, or it may be that the long and short haul provisions of the Act may be violated.

For example, it may appear that the proposed new rate to or from one town may be so low in proportion to the existing and undisturbed rate to or from another and competitive town, as to unreasonably discriminate against the latter town and give an undue preference to the former. In such case the

Commission would, I think, have power to declare the lower rates an unlawful discrimination.

In *East Tennessee, &c., Ry. Co. v. Interstate Commerce Commission*, 181 U. S. 1, 13, the Court recognized that under some circumstances a carrier might be prohibited from taking competition into consideration in determining the rates where an unjust discrimination would result. On page 20 the Court gave as an illustration a case where the carrier, in order to meet competition at a given point, has to transport freight for less than cost, thus creating a deficiency which would have to be met by increased charges upon business to other points. Such a rate might constitute a discrimination against the points to which the rates were thus increased.

See *Drinker*, Interstate Commerce Act, Vol. 1, Sec. 205, p. 315; Supplement Sec. 205, p. 153.

In *Cohn v. Railroad*, 181 Mo. 30, also, an action for damages was successfully maintained under the provisions of the Missouri Law prohibiting preferences and discriminations and containing the usual long and short haul clauses; the plaintiffs alleging that the carriers charged higher rates on shipments from the plaintiff's city to another city than it charged merchants in the other more distant towns, thus discriminating against the plaintiffs' city, and giving an undue advantage to the merchants of the more distant towns.

It may be added in this connection that in *Southern Pac. Ry. Co. v. Haas*, Texas, 1891, 17 S. W. Rep. 600, the Court said that freight rates could not be held to discriminate unlawfully between two cities, under a state statute, when the two cities were situated in different states, because a state statute is powerless to regulate interstate rates.

See generally, *Drinker*, Interstate Commerce Act, Vol. 1, Secs. 180-208.

Under the circumstances, as they are presented to me, I am compelled to state these principles in an abstract way, but they may be sufficient, with other facts in the possession of

the Cambridge Board of Trade to enable it to find a working basis for the assertion of its grievance, if grievance it has.

Finally, I can not close this letter without pointing out a circumstance which, notwithstanding the inability of the Commission to fix a minimum rate, furnishes in my judgment quite a significant reason for believing that, under the present terms of the Public Service Commission Law, a common carrier would incur no little risk in cutting rates for the purpose of suppressing competition. Every common carrier is required by the law to file with the Commission and to publish schedules showing its rates (Sec. 15, p. 23), and no change can be made in these rates, when once published, except in the manner prescribed by the law. (Sec. 15, p. 24). If a rate were reduced by a common carrier, should the carrier afterwards be disposed to increase the rate the Commission might well deem it unjust to the corporation itself to assume that the reduction was made improvidently, or for secondary or ulterior reasons, or for any reason except a deliberate conviction upon the part of the corporation that the reduced rate was high enough to earn a good profit for the corporation, and not lower than the public had a right to expect.

A conclusion so maturely reached by the persons best able to measure the resources and needs of the corporation, the Commission, it is, perhaps, not presumptuous for me to say, would hardly be inclined to disturb. While, therefore, the process of putting down rates, when resorted to by a common carrier for disingenuous reasons, is one to which the Public Service Commission law opposes no obstacle, the common carrier might well find that the reverse process is not. There would be no friction on the downward track. There might be much on the upward. This, I think, despite the brief life of the Commission, has come to be very well understood by common carriers in this State, and it should, I believe, tend to allay to no slight degree the apprehension which the Cambridge Board of Trade appears to entertain.

W. CABELL BRUCE,

General Counsel.

(45)

In the matter of
Issuance of Free Transportation by the
WASHINGTON, POTOMAC & CHESAPEAKE
RAILWAY COMPANY to Principals of
Schools Partly Supported by the State. } February 10, 1911.

To the Public Service Commission of Maryland:

Replying to communication of the 8th inst., enclosing me a copy of a letter from Mr. W. W. Early, general manager of the Washington, Potomac and Chesapeake Railway Company, to yourself, asking whether that corporation can legally accord free transportation to Mr. G. N. Thomas, principal of the Charlotte Hall School, and Mr. H. W. Silvester, president of the Maryland Agricultural College, I beg leave to say that, in my opinion, it cannot.

Taking the view that I do of this question, I deem it unnecessary to inquire as to how far the institutions themselves, though State-aided, are really within the administrative range of the State government.

Even if they were wholly State-created, State-supported, and State-administered institutions, as much parts of the State government as the offices of the Comptroller and Treasurer, I do not think that these gentlemen would fall within the provisions of Section 16 (page 26) of the Public Service Commission law, which exempts from the prohibition against free, or reduced, transportation by common carriers, among others, persons carried for the State government. That exception, in my opinion, embraces only persons for whose transportation free, or at reduced rates, while engaged in the discharge of some duty to the State, the State government itself has stipulated with the carrier, as, for instance, laborers or militia in the employment or service of the State and in movement from one point to another. The whole body of taxpayers is sensibly relieved from a pecuniary burden by having classes of persons like these carried free or at reduced rates, and the carriage of such persons is not likely to be attended by any of the invidious discriminations

and abuses which have justly subjected free passes to reproach. Such classes of persons are carried only occasionally, and usually in response to some perfectly definite as well as temporary necessity, and almost as mechanically as if they were not persons, but a part of the property, which, under the terms of the same exception, can be carried for the State government free or at reduced rates.

There is a manifest distinction, I think, between such public servants or employees and public functionaries who are fully in control of their own movements, whose itinerancy is not so occasional and temporary or so readily confined within fixed limits, and who, if supplied with free passes, would be constantly tempted to use them for private as well as for public purposes. It is true that as the result of an express stipulation between the State government and a carrier, there would seem to be no reason under the terms of the Act why any such functionaries could not be carried for the State government free or at reduced rates paid by the State, but it is not likely that public opinion would permit the State government to secure free passes or reduced rates for such functionaries, who could use or abuse the privilege almost at pleasure because of the practical impossibility of any adequate supervision being exercised over their movements by the State government. Be that as it may, in every instance the request for the privilege would have to emanate from the State government itself, not the functionary, and to rest upon an understanding exclusively between the State government and the carrier. There is no statement in this case that the State government has asked the railway company to carry Mr. Thomas or Major Silvester free or at reduced rates while in transit in the discharge of their duties as principal and president of their respective institutions. In the absence of an agreement between the State government and the carrier, the public servant or officer, no matter what his grade, must pay the full fare out of his own pocket.

W. CABELL BRUCE,
General Counsel.

(48)

In the matter of
Power of Commission to Compel Independent Telephone Companies to Connect Lines. } March 6, 1911.

To the Public Service Commission of Maryland:

I reply to communication of the 18th ultimo enclosing me a copy of a letter of the 17th ultimo from Hon. David J. Lewis, of Cumberland, Md., to the Public Service Commission, asking the Commission to advise him whether upon the presentation of a proper case for action the Commission would have the power to compel connections between different telephone companies' lines for the purpose of intra-state messages.

The inquiry was suggested by the fact that two telephone companies, namely, the Western Maryland Telephone Company and the Chesapeake and Potomac Telephone Company, which are engaged in business at the present time in Cumberland, have never connected their respective lines with each other. Mr. Lewis' letter was referred by me to Mr. Ritchie, my assistant, for a report, and he has rendered a report to me after some correspondence with Mr. Lewis looking to a fuller disclosure of the facts surrounding Mr. Lewis' inquiry. I enclose herewith a copy of the report. It is so full, and the conclusions are so clearly stated, and so entirely receive my assent, that I deem it unnecessary for me to add anything to what the writer has said.

W. CABELL BRUCE,
General Counsel.

MARCH 4, 1911.

W. CABELL BRUCE, Esq.,
General Counsel to the
Public Service Commission of Maryland.

I have considered the inquiry contained in the letter of Hon. David J. Lewis to the Commission dated February 17, 1911,

namely, whether the Commission has power, in a proper case, to compel two independent telephone companies to connect their lines, so that the subscribers to one of the two companies might obtain the benefit of calls to subscribers of the other.

Sec. 39, p. 52, of the Public Service Commission Law, gives the Commission power "to order such improvements as will best promote the public interest and protect those using telephones," and to "see that their (the corporation's) property is maintained and operated for the reasonably adequate accommodation of the public." Sec. 40, p. 54, requires every telephone company to "provide such service and facilities as shall be adequate, just and reasonable," and "to furnish its patrons reasonably good and adequate service in all respects," and to this end the Commission may require such improvements, changes, etc., as may be reasonable "in order to promote the security and convenience of the public or employes, or in order to secure adequate services or facilities for telegraphic or telephonic communications."

These are the only provisions expressly referring to telephone companies which are applicable, and I think that they all aim only at compelling each company to afford adequate service and facilities to its own subscribers, so far as its own property and lines are concerned, and do not warrant an order requiring two separate telephone companies to connect.

Sec. 41, p. 55, however, makes all provisions of the law relating to railroads and common carriers apply also to telephone companies "so far as the same shall be practically, legally or necessarily applicable" thereto, and it therefore becomes important to inquire whether there are any provisions requiring connections between separate railroad companies which are "practically, legally or necessarily applicable" to telephone companies.

Sec. 18, p. 28, requires every carrier to afford all reasonable, proper and equal facilities for the interchange of passengers and freight between its lines and all other lines, and to receive freight from every other carrier at connecting points and haul the same through to destination or to the line of the next connecting carrier.

Sec. 23, p. 34, gives the Commission power to require any two carriers whose lines "form a continuous line of transportation, or which could be made to do so by the construction and maintenance of switch connections, to establish through routes and joint rates, fares and charges for the transportation of passengers, freight and property within the State, as the Commission may by its order designate."

There is no doubt of the power of the Interstate Commerce Commission, under authority no more comprehensive than that contained in our law, to require the interchange of traffic, and facilities therefor, between connecting carriers.

Barnes, Interstate Transportation, S. 664-671.

As to through routes in the case of railroads, the Interstate Commerce Commission can only require the same when "no reasonable or satisfactory through route exists," and the decisions have generally turned on the question of whether or not a reasonably satisfactory through route already does exist. The most recent case is *Interstate Commerce Commission vs. Northern Pacific Ry. Co.*, 216 U. S., 538, and the cases before that are collected in Barnes on Interstate Transportation, Sec. 180-187. The power to establish through routes in proper cases is thus indisputable.

Moreover, the power of the State to compel track connections to be constructed has been expressly upheld in *Wisconsin, etc., R. R. Co. vs. Jacobson*, 179 U. S., 287, where the statute required all common carriers to provide facilities and track connections for transferring cars and traffic to the line of intersecting carriers, each carrier to pay its proportionate share of the cost. The Supreme Court held that under the facts of that case the Railroad Commission's order did not take property without due process of law, did not deny to the corporations the equal protection of the law, and did not deprive the corporations of their right to contract with such persons and corporations as they might choose. The court said, however, that the power to compel railroad connections, while it clearly existed, could not be exercised in every case, but only when reasonably necessary to the public and when not unreasonably

detrimental to the interests of the railroad, and that each case would depend upon its own facts and circumstances.

So far also as the pecuniary cost to the railroads of the connecting facilities is concerned, it is settled that while the fact that an order relating to service will entail a financial loss is to be considered in connection with the reasonableness *vel non* of the order, still the mere fact of such loss does not, as is generally the case with rates, show unreasonableness, "because as the primal duty of a carrier is to furnish adequate facilities to the public, that duty may well be compelled, although by doing so as an incident to some pecuniary loss from rendering such service may result."

Mo. Pac. Ry. Co. v. Kansas, 216 U. S., 262, 277 (requiring additional trains).

Atl. Coast Line v. N. C. Corp. Comm., 206 U. S., 1, 26 (stopping trains to connect).

Mobile, &c., R. R. Co. v. Mississippi, 210 U. S., 187, 203 (route of railroad).

Wisconsin, &c., R. R. Co. v. Jacobson, 179 U. S., 287 (requiring track connections).

It is, therefore, clear that under the Maryland law carriers may be required to construct the proper switches and facilities to connect with other carriers, and that carriers whose lines form a continuous line, or which may be made to do so by the proper switch connections, can be compelled to establish through routes; but it is also true, I think, that under the Jacobson case this is not a power which can be exercised in every case, but only where its exercise is reasonable, having regard both to the needs of the public and the interests of the railroads.

While the public necessity for railroad connections for the interchange of freight is more apparent than for a connection between two telephone companies for the interchange of telephone messages, I could not say that a case may not arise in which connection between two telephone companies may not be reasonable and proper to be ordered, and when such a case does arise, then I am inclined to think that by Section 41 of the law

the provisions authorizing railroad connections may apply so as to warrant the Commission in ordering the telephone connections.

Telephone companies are held to be subject to the police power of the State and to regulation by the State to the same extent as are railroads (Jones, Telegraph and Telephone Companies, S. 214, &c., and compare C. & P. Tel. Co. v. B. & O. Tel. Co., 66 Md., 399), and our law is expressly made applicable to them.

But the power under our law to compel telephone companies to connect exists only by applying to telephone companies the power to compel railroads to connect. By the express terms of Section 41, this can only be done if the power to compel railroads to connect is "practically, legally or necessarily applicable to telephone" companies; and, since under the Jacobson case the power to compel railroads to connect does not rest in the Commission's discretion alone, but exists only where the court considers the exercise of that power reasonable, it follows that whether or not the power is "practically, legally or necessarily applicable to telephone" companies in any given case is a legal question, upon which the advice of counsel to the Commission becomes material.

I have accordingly communicated with Mr. Lewis in order to ascertain from him the practical situation in Cumberland with respect to the two telephone companies in question, the manner in which the connection could, as an engineering problem, be made, and how it would operate.

Mr. Lewis' reply is contained in his letter to me of February 25, 1911. It would appear from this letter that Mr. Lewis is influenced largely by the fact that one of the companies, the Chesapeake and Potomac, does a large business beyond the State, while the other, the Western Maryland Telephone Company, does not. This raises a question as to the regulation of interstate commerce, but leaving this question entirely aside, I have consulted with Chief Engineer Phelps, who says that the Chesapeake and Potomac Telephone Company operates the Bell system, whereas the Western Maryland Telephone Company operates the Kellog system; that the signals which work upon one of these systems will not work upon the other, with the re-

sult that no connections between the two would be of any avail without a complete remodeling, at great cost, of one of the two systems, so as to make it conform, for signaling purposes, to the other; and this Mr. Phelps regards as an engineering proposition as entirely impracticable.

In view of Mr. Phelps' advice, I think it quite clear that whatever might be the Commission's power to require connections between telephone companies in cases other than the present, still in the present case the law does not contemplate that any connection should be required, because the provisions requiring railroad connections, upon which alone the Commission's power, if any, must rest, are not *practically* applicable to the two Cumberland companies, and therefore, by the express terms of Section 41, do not apply to them.

ALBERT C. RITCHIE,
Assistant General Counsel.

(49)

In the matter of the	}	March 6, 1911.
SOUTH DORCHESTER TELEPHONE COMPANY		
vs.		
THE DIAMOND STATE TELEPHONE COMPANY.		
Establishment of Joint Rate.		

To the Public Service Commission of Maryland:

I am in receipt of communication of the 2d inst., enclosing me a copy of a letter from the South Dorchester Telephone Company to the Commission, dated the 28th ultimo. It does not seem to me that the situation presented by this letter is one that involves much difficulty.

If the Diamond State Telephone Company has reduced the joint rate under the impression that it is required to do so by a ruling of the Commission, it doubtless only needs to be in-

formed, if it has not already been informed by the Commission itself, that there has never been any such ruling on the part of the Commission. It is wholly free, therefore, so far as any position taken by the Commission is concerned, to return to the relation that it sustained to the South Dorchester Telephone Company under the contract between the two companies providing for the joint rate. In that event, there would be no occasion for compliance by the Commission (assuming the power of the Commission to comply) with the request of the South Dorchester Telephone Company that it order the restoration of the former status. If, however, the Diamond State Telephone Company, after it has had its misapprehension cleared up, persists in repudiating the contract and bringing it to an end, the case would be one to which the jurisdiction of the Commission clearly applies.

By Section 23 of the Public Service Commission law, it is provided as follows :

“The Commission shall have power by order to require any two or more common carriers whose lines, owned, operated, controlled or leased, form a continuous line of transportation, or which could be made to do so by the construction and maintenance of switch connection, to establish through routes and joint rates, fares and charges for the transportation of passengers, freight and property within the State as the Commission may by its orders designate; and in case such through routes and joint rates be not established by the common carriers named in any such order within the time specified therein, the Commission shall establish just and reasonable rates, fares and charges to be charged for such through transportation and declare the portion thereof to which each common carrier affected thereby shall be entitled and the manner in which the same shall be paid and secured.”

These provisions relative to common carriers are, in my judgment, by Section 41 of the Public Service Commission law,

adopted as to telephone companies so far as "practically" applicable thereto. In view of the fact that the lines of the two companies are actually connected up with each other at the present time, and have heretofore been in joint use, it can be safely assumed that the provisions of Section 23 are "practically" applicable to the two companies.

I am of the opinion, therefore, that the Commission is empowered, if the Diamond State Telephone Company does not voluntarily revert to its obligations under the contract between it and the South Dorchester Telephone Company, as the latter company desires to establish a joint rate between Golden Hill and Cambridge.

It is true that, generally speaking, the Commission lacks the power to prescribe a minimum rate, but under the circumstances of the present case it seems to me that this fact, if pertinent to such a case at all, would not seriously hamper the freedom of the Commission in dealing with it. The joint rate could be apportioned on the basis of seven and one-half cents to the Diamond State Telephone Company and the balance of the joint rate, whatever it may be, to the South Dorchester Telephone Company.

W. CABELL BRUCE,
General Counsel.

(50)

In the matter of	}	March 11, 1911.
Reparation.		
Power of Commission to Order.		

To the Public Service Commission of Maryland:

I acknowledge the receipt of communication of the 20th ult., enclosing me a copy of a letter of the same date from the Chief Engineer of the Commission, to the Commission, in which he recommends that gas, water and electric meters, found to be "fast," be "rebated" upon certain terms.

I am of the opinion that, while the Commission may permit a corporation to refund an unlawful charge, it has no power to order pecuniary reparation. My reasons for reaching these conclusions are so fully set forth in the report from Mr. Ritchie to myself, dated the 3rd inst., which I have already submitted to the Commission, that I deem it unnecessary to repeat them.

W. CABELL BRUCE,
General Counsel.

(51)

In the matter of the	}	March 18, 1911.
Jurisdiction of the Commission as to		
Stopping Interstate Trains at Local		
Stations.		

To the Public Service Commission of Maryland:

I beg to answer your letter of March 16th, with reference to the complaint of Mr. George M. Campbell, of Iron Hill, Cecil county, Maryland. Mr. Campbell states that for the past twenty-eight years he has been shipping milk from Iron Hill Station, over the P., B. & W. R. R., to Philadelphia, on the morning train, and that he has been informed that on and after April 1st the railroad will discontinue stopping this morning train at Iron Hill. Mr. Campbell does not desire this service stopped, and the inquiry of the Commission is whether or not his complaint is beyond the jurisdiction of the Commission because relating to interstate commerce.

It is settled by the United States Supreme Court that an order of a State Commission requiring a railroad to stop interstate trains at local stations is void as a regulation of interstate commerce, if the railroad already furnishes to the community using such station, or if there is already available to that community, adequate and reasonable transportation facilities. If the railroad does not furnish reasonable transportation facilities, then the order may be valid. Whether or not

reasonable facilities are already furnished depends, of course, upon the facts of each case and involves a consideration of "such facilities as might be fairly demanded, regard being had, among other things, to the size of the place, the extent of the demand for transportation, the cost of furnishing the additional accommodations asked for, and to all other facts which would have a bearing upon the question of convenience and cost."

Atl. Coast Line vs. Wharton, 207 U. S., 328-335.

Mississippi Railroad Commission vs. Illinois Central, 203 U. S., 335.

Lake Shore, etc., Rwy. vs. Ohio, 173 U. S., 285.

Atl. Coast Line vs. North Carolina Corporation Commission, 206 U. S., 1.

Mo. Pac. Ry. Co. vs. Kansas, 216 U. S. 262.

I think it clear, therefore, that the Commission has jurisdiction to entertain Mr. Campbell's complaint and to grant relief, provided that under all the facts and circumstances, reasonable transportation accommodations and facilities are not already furnished and available to the community in which he resides.

ALBERT C. RITCHIE,
Assistant General Counsel.

(52)

<p>In the matter of the</p> <p>Jurisdiction of the Commission as to</p> <p>Stopping of Interstate Trains at Local</p> <p>Stations.</p>	}	<p>March 20, 1911.</p>
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To the Public Service Commission of Maryland:

On March 18th, I rendered an opinion to the Commission in which I reached the conclusion that the Commission had jurisdiction to entertain the complaint of Mr. George M. Campbell, of Iron Hill, Maryland, the ground being that, under the de

cisions of the United States Supreme Court, a State Commission can compel a railroad to stop interstate trains at local stations, provided reasonable transportation facilities are not already furnished to the community using such local stations.

Mr. Ambler requested me to make a further investigation, in order to see whether or not this conclusion might not be affected by the fact that Mr. Campbell's complaint is confessedly based upon his desire to ship goods to Philadelphia and thus beyond the limits of the State of Maryland. I have re-examined all of the United States Supreme Court cases and I am quite clear that the Commission's jurisdiction is not affected by the fact mentioned. The decisions expressly hold that interstate railroads must furnish local stations with reasonable facilities, not only for travel within the State, but for travel to points beyond the State also, and that if a railroad does not furnish the residents of a given community with reasonable facilities for interstate travel, that then it can be compelled to do so.

For example, in *Lake Shore and Michigan Southern Railway vs. Ohio*, 173 U. S., 285, in which the Supreme Court held that a State statute requiring interstate trains to make local stops was not a burden upon interstate commerce, the Court said that the railroad's contention would mean that the company "may, if it so wills, deprive the people along its lines in Ohio of the benefits of interstate communication by its railroad" (page 289); also on page 302, the Court said, "that the railroad was entitled, of course, to provide for the convenience of persons desiring to travel from one point to another in the State on domestic trains. But it was not bound to ignore the convenience of those who desire to travel from places in the State to places beyond its limits, or the convenience of those outside of the State who wish to come into it. Its statute is in aid of interstate commerce of that character." On page 303 the Court said, "that if the statute was invalid, then the railroad "could prevent the people along its route within the State, who desire to go beyond its limits from using its interstate trains at all or only at such points as the company chose to designate. A principle that in its application admits of such results cannot be sanctioned." Again in

Mississippi Railroad Commission vs. Illinois Central Railroad, 203 U. S. 335, the Court approved a prior decision to the effect that a statute requiring an interstate train to stop at a county seat was not unconstitutional, "if the company had made adequate accommodation by other trains for interstate passengers to and from Cairo" (page 343.) In this case, one of the grounds for the Commission's order was that the railroad had not furnished adequate accommodations from Magnolia to the south, and the fact that the additional facilities ordered by the Commission were thus expressly based upon the supposed need for additional transportation to points beyond the State was not considered as affecting the Commission's jurisdiction at all, but the case was decided in the railroad's favor because the Court found that as a matter of fact the railroad already furnished adequate facilities for interstate transportation.

I think it quite clear, therefore, that the fact that Mr. Campbell desires the morning train of the Philadelphia, Baltimore and Washington Railroad to continue its stoppage at Iron Hill because he desires to ship on that train milk to a point beyond the limits of the State of Maryland, does not affect the jurisdiction of this Commission. Residents living in the vicinity of Iron Hill are entitled under the law to reasonable facilities for the transportation of their property not only to points within the State, but also to points without the State on interstate trains, so that the only question is one of fact, namely, whether or not, in view of all the circumstances, adequate and reasonable railroad facilities for interstate as well as intrastate purposes will be still furnished to the residents of this community if the morning train in question discontinued its stop at Iron Hill. Of course, the solution of this question of fact depends upon a number of circumstances, such as the size of the community which uses Iron Hill Station, the railroad facilities which would still exist if the morning train in question no longer stops there, the reasons for the company's desire to discontinue this stop, etc.

ALBERT C. RITCHIE,
Assistant General Counsel.

(53 and 54)

In the matter of
Transportation of Circus Posters Free of } March 28, 1911.
Charge by Carriers.

To the Public Service Commission of Maryland:

I am in receipt of communication asking me whether the Maryland and Pennsylvania Railroad Company can lawfully transport free of cost advertising posters of the Ringling Brothers' and Buffalo Bill Shows upon which among other things the rates and fares of the railroad are printed.

I answer, in my opinion, no. The rates and fares are printed on these posters simply to assemble larger crowds at the exhibitions by apprising the public of the railroad facilities and rates of which they can avail themselves for the purpose of attending the exhibitions. The posters can not in my judgment in any sense be regarded as the property of the railroad, and therefore entitled to free transportation under our Act. They are really the property of the shows, the inclusion of the fares and rates in their printed terms being mere incidents of their true character, and, this being so, they do not fall within any of the excepted classes set forth in our Act. Sec. 16, p. 26. Even if they were the property of the railroad, the railroad would be transporting the property in consideration of the advertisement of the railroad through the shows, which it could not lawfully do. Under the Interstate Commerce Law it has been held that transportation can be paid for only in money.

Chicago, Indianapolis and Louisville Rwy. Co. vs.
United States, decided by the United States Supreme Court, Feb. 20, 1911.

And I can see no reason why the same principle should not be applicable to the present case under our Act.

W. CABELL BRUCE,
General Counsel.

(55 and 56)

In the matter of	}	April 15, 1911.
THE NORTHERN CENTRAL RAILWAY COMPANY.		
Proposed Lease. Stock Dividend.		

To the Public Service Commission of Maryland:

I acknowledge the receipt of communication of the 14th ult., transmitting to me a copy of the resolution of the Commission asking my advice in several respects with regard to the stock dividend proposed to be issued by the Northern Central Railway Company to its stockholders, and the lease proposed to be given by it to the Pennsylvania Railroad Company.

The resolution asks me, first, whether the declaration or payment of the stock dividend, under the circumstances, could be deemed the discharge or lawful refunding of an obligation of the railway company.

Answering this question, I will say that if the stock dividends were issued, it would, in my opinion, under the circumstances, be issued for the discharge of an obligation of the railway company, within the intent of Section 27 of our Act. Among other things, that section authorizes a common carrier, with the approval of the Commission, to issue stock "when necessary" for "the discharge or lawful refunding of its obligations."

In ascertaining the meaning of a statute, its words are to be interpreted according to their plain, ordinary and natural import.

Clark v. M. & C. C. of Baltimore, 29 Md., 277, 283.

Maxwell v. Clark, 40 Md., 273, 291, 292.

So construed, the word "obligations" in Section 27 of our Act seems to me to be broad enough to embrace anything to which such a company as the Northern Central Railway Company is capable in the lawful, bona fide and reasonable exercise of its powers of imparting the character of a legal obligation of the company as distinguished from a mere moral obligation. The power upon the part of such a company with the approval of

the Commission to issue stock or bonds when necessary for the acquisition of property or for the benefit of the facilities or service of the company as set forth in Section 27 would constitute but an illiberal grant of power, if it were not attended with ample authority with the approval of the Commission to issue stock or bonds for the purpose of discharging any or all obligations, involving large pecuniary responsibilities into which such a company is impelled to enter under the pressure of its corporate exigencies or necessities.

Be this as it may, there is, in my opinion, nothing in the context in this case to confine the meaning of the word "obligations" within limits narrower than those of its natural signification—that is to say, all kinds of obligations, solvable by money or its equivalent by which a common carrier can become legally bound. The statute simply says "obligations." It does not attempt by any sort of descriptive detail to limit the full generic force of the term.

That the negotiations between the Northern Central Railway Company and the Moore Stockholder's Committee resulted in a bona fide compromise, and that the effect of this compromise was to impose upon the railway company an "obligation" within the purview of Section 27, I feel confident. The testimony shows that when this compromise was arrived at, the manner in which the earnings of the railway company had been carried to the capital account instead of being distributed as dividends, had long been resented by many of its stockholders; that with the lapse of time this resentment had become stronger and stronger, and that finally, acting upon the advice of counsel of high standing that their claim to restitution was a legally enforceable one, the disaffected stockholders had brought it to the attention of the company in such terms that the company could not fail to see that the only alternatives were settlement or litigation. The claim was made as a claim to accumulated cash earnings rightfully applicable to dividends, but wrongfully misapplied to capital purposes, and as such it became the subject of the compromise. It is true that this settlement was to be partly in stock (40 per cent.), and therefore only partly in cash (10 per cent.), but when the validity of the claim had once been admitted by the company, it does not seem to me that the

“obligations” thereby assumed by the company was affected by the fact that it was agreed between the parties to the compromise that the medium of payment should be partly stock.

If any stockholder who is not a party to the compromise is unwilling to accept his part of the stock dividend, he is free to treat the dividend, so far as he is concerned, as an illegal one, and to assert against the company such rights as he has under the circumstances.

State v. B. & O. R. R. Co., 6 Gill, 386, 387.

Whether the claim was in point of fact valid and enforceable or not, it is, as I view the matter, wholly immaterial to inquire. The testimony leaves no room for doubt that it was earnestly pressed in the honest belief that it was of that character, and it resulted in a compromise, to which there is nothing in the testimony to warrant the inference that the railway company gave its assent for any reasons other than those which usually induce a party in its situation to reluctantly give his assent to such a compromise. This is enough. The law of this State is that to support a compromise it is sufficient that the parties entering into it thought at the time that there was a bona fide question between them, though it may eventually turn out that there was in fact no such question.

Hartle v. Stahl, 27 Md., 157, 172.

And, in my opinion, an “obligation” is none the less an obligation within the unrestricted terms of Section 27 because its creation and discharge are parts of one transaction. Any other conclusion, it seems to me, would be a mere metaphysical refinement repugnant to the natural spirit of interpretation which must be brought to bear upon the meaning of a statute. I might add that in giving the liberal construction that I do to the word “obligations” in Section 27, I feel that the correctness of my conclusion is confirmed by the power conferred upon the Commission by that section to authorize the refunding by an issue of stock of notes payable at periods of not more than twelve months executed by a common carrier “for proper corpo-

rate purposes." Why should the Legislature authorize the Commission to assent to the refunding of such notes in such a manner for purposes expressed in terms broad enough to embrace any and all kinds of legal obligations, and yet intend to give a more restricted scope to the power of the Commission to assent to the issuance of stock for the discharge of obligations not evidenced in the first instance by such notes? The execution of such notes for any kind of obligation followed by an application to the Commission for leave to refund in stock would be all that the corporation would have to do to get rid of the constrictive effect of the word "obligations," if construed in its narrower sense. It has been suggested that the requirement of Section 27 that the order of the Commission authorizing the issuance of stock shall certify that in its opinion the use of the capital to be secured thereby is reasonably required for the purposes of the common carrier is inconsistent with the nature of a stock dividend. In the present case at any rate I cannot see that this is so. Capital strenuously denied by stockholders to be capital, and resolutely sought to the very verge of litigation to be reclaimed by them for distribution as income can hardly be said to be capital already secured by the company. The Commission might well deem it to be in no real sense secured until the right of the company to retain it under the circumstances was finally settled by a formal compromise with its stockholders, when the Commission could, it seems to me, with entire propriety, execute the certificate required by Section 27.

I reach the conclusion that I do the less hesitatingly in view of the fact that I cannot see that there are any considerations of public policy which call upon the Commission to withhold its assent to the stock dividend in this case. It will not water, or produce any increase in any invidious sense, in the capital of the company. On the contrary, it will represent actual cash applied to many fruitful uses, of which the company has received and is still receiving the full benefit. There is nothing in the testimony to show that, as is true of so many increases of stock, it was inspired by sinister or even disingenuous motives. So far as honesty of origin and aim is concerned, it does not differ from the stock dividends which were examined by the

Court of Appeals in *State v. B. & O. R. R. Co.*, 6 Gill, 289, and *Thomas v. Gregg*, 78 Md., 545. Under circumstances like those in this case, "the decided tendency of the law is to sustain and even encourage stock dividends" (Cook on Corporations, Vol. 1, Sec. 51, p. 247), instead of discountenancing them.

Certain decisions of the New York Public Service Commission for the Second District are relied upon as adjudications binding upon the Commission in this case.

Babylon Electric Co., N. Y. Pub. Ser. Com. Rep., Second District, 132.

Erie R. R. Co., Id. 115.

Lehigh and Hudson Ry. Co., Id. 224.

Delaware and Hudson Co., Id. 243.

In a collective sense, the opinions in these cases hold that the Public Service Commission of the State of New York for the Second District has no power under the provisions of the New York law similar to those of our Act to give its assent to the issuance of a stock dividend as the discharge of an "obligation." It is enough to observe, without any critical discussion of these cases, that an obligation operated by a bona fide agreement of compromise was not involved in any of them. That alone is sufficient to distinguish them from this case. It may well be that some of the general observations made by the New York Commission in them in relation to stock dividends would have been modified to meet such a case as the present if such a case had ever been presented to the New York Commission.

However this may be, in my opinion the decisions in these New York cases should have no weight with this Commission more authoritative than that which belongs to a title to deferential attention. The New York Public Service Commission had its duty, and this Commission has its duty, to perform. One interpretation of the words under review appeared to an administrative body of the sister State which first gave to these words the vigor of law to be a sound one. While this interpretation should be most carefully weighed by this Commission, and perhaps with even a distinct prepossession in favor of its soundness, there is no rule of law known to me which renders

it in any sense obligatory upon this Commission. The same observations are applicable to the Act of the New York Legislature, Laws 1910, Ch. 480, assuming that the force of a deliberate legislative construction is to be given to it. But is it necessarily to be inferred from the passage of this Act that the New York Legislature believed that the construction of the New York Public Service Commission was correct? Sometimes the shortest and least expensive method open to a party of reversing a judicial ruling is to reverse it by counter legislative declaration, and so far as a Legislature is concerned, the mere desire to end all further discussion pro or con is quite as likely to be the motive for such a declaration as the belief that a prior judicial construction is sound. The New York Act of 1910 at least demonstrates that in the opinion of the New York Legislature a stock dividend for the reimbursement of moneys actually expended from the income of a public service corporation is not obnoxious to public policy. It is noteworthy, too, that after placing the restrictive construction that it did upon the New York statute in the Erie R. R. Co. case, p. 126 supra, the New York Public Service Commission felt constrained to add that in the opinion of the Commission, after full discussion, power should be given it to authorize the issue of stock for some purposes not then enumerated in that statute. In the course of the same case it also employed the following language:

“In many cases it may be found desirable to use the evidence of indebtedness, whether bond, stock or otherwise, directly for one of the purposes for which the cash desired from the sale thereof might be used. In such case there would be no difficulty in construing such purpose to be the capital secured by the issue of an evidence of indebtedness.”

When the Northern Central Railway Company finally admitted its obligation to make good to its stockholders a part of the cash earning carried by it to capital account, I can see no reason why it should have been driven to the circuitry of issuing and selling new stock for the purpose of obtaining cash with which to discharge the obligation, instead of issuing its stock directly in payment of the dividend to its stockholders.

The resolution of the Commission asks me in the second place whether there is any legal objection to the proposed lease.

Answering this question, I will say that I see none. In my opinion, the Northern Central Railway Company has the power to execute and the Pennsylvania Railroad the power to accept it. I am further of the opinion that between the Act of 1908, Ch. 126, and Section 282 of Article 23 of the Maryland Code, not to speak of anything else, the former company is authorized to lease its railroad and franchise and all its property of every kind, including the stocks and bonds of other companies held by it, to the latter company. Nor can I yield assent to the suggestion that the long duration and other characteristics of the instrument are such as to render the transaction of which it is the evidence a sale instead of a demise. The point, it seems to me, might as well be made against a perpetual lease of land under the former conditions of our ground rent system.

I also think it is clear from the testimony that the proposed stock issue will really reflect only past net earnings of the railway company which have been applied to capital purposes.

The other objections urged by the remonstrant to the lease involve, I apprehend, questions of policy for the Commission rather than questions of law for myself. I will say, however, if that is a question within my province, that in my opinion the learned counsel for the remonstrant are quite right in contending that the legal effect of the lease is not to absolutely assure to the stockholders of the Northern Central Railway, in the sense of a guaranty, eight per cent. dividends from year to year on the stock of the railway company. The paragraphs of the elaborate lease from which the counsel of the railway company and of the assenting stockholders attempt to deduce this consequence, or practically this consequence, are, in my judgment, worded in such qualified and measured terms as to create in any disinterested mind the impression that it was the deliberate intent of the framers of the lease to leave the fund for the payment of dividends under the lease answerable in certain contingencies and in certain respects, instead of the lessee, for certain possible demands of third persons upon the lessor. These possible demands are clearly pointed out by the brief of the remonstrant on pp. 30-39.

It is for the Commission to say how far these facts, which must have been obvious to the stockholders who have given their assent to the lease as well as to the small minority which refuses its assent, should prevail to create a controlling sense of obligation upon its part to the latter, under all the circumstances of this case.

W. CABELL BRUCE,
General Counsel.

(57)

In the matter of	}	April 22, 1911.
Issuance by Carriers of Commutation		
Tickets to School Children.		

To the Public Service Commission of Maryland:

I reply to communication of the 31st ultimo, transmitting to me a copy of a letter from C. A. Fifer, General Passenger Agent of the Maryland and Pennsylvania Railroad Company, dated the 28th ultimo, asking the Commission whether it proposes to adopt Rule No. 99 of the Interstate Commerce Commission (Conference Rulings Bulletin No. 4, p. 27).

The effect of the ruling in question is to declare that commutation tickets issued only to pupils in attendance on schools are unjustly discriminatory and therefore unlawful, but that carriers may lawfully offer and use a commutation ticket limited in its sale and use to children or young persons between certain ages, as, for instance, between twelve and twenty-one years of age.

To the same effect is *In re: Sale of Commutation Tickets to School Children*, 17 I. C. C. R. 144. So far as our Commission is concerned, the question is not an open one, as I pointed out in a former opinion (Opinion No. 30). The proviso in Sec. 16 of our Act, p. 26, reads as follows:

“Provided further that nothing in this Act shall prevent the issuance of mileage, excursion, school commutation or commutation passenger tickets or half fare tickets for the transportation of children under twelve years of age.”

Allowing to this proviso the presumption in favor of its constitutional validity to which it is entitled, its effect is to permit the sale of tickets in this State to school children as a class and to place such children upon a different footing as to fares from other children of the same age who are not school children.

In conclusion, I might add that contrary to the view taken by the Interstate Commerce Commission in this matter, in Massachusetts it is held that school children *do* constitute a class to whom reduced rates may be granted.

Commonwealth vs. Interstate Consol. St. Ry. Co., 187 Mass. 436, affirmed upon other grounds in 207 U. S., 79. See also 11 L. R. A. (N. S.) 973 (Case note).

W. CABELL BRUCE,
General Counsel.

(58)

In the matter of	}	April 25, 1911.
Transfers on Street Railway in Cumberland, Md.		
Power of Commission.		

To the Public Service Commission of Maryland:

I reply to communication of February 18, 1911, transmitting to me a copy of a letter from Mr. M. J. Simmons, the president of the South End Improvement Association of Cumberland, Md., to the Commission, dated February 17, 1911.

The letter asks whether anything can be done by the Commission in the way of compelling the Cumberland Electric Railway Company to issue transfers from one of its lines in the city of Cumberland to the other.

The delay in answering your communication is attributable to my efforts, which were for a long time entirely fruitless, to obtain from Mr. Simmons information deemed by me to be essential to the proper consideration of the question.

In my opinion, the power of the Commission to prescribe the fares of electric railway companies involves, as a necessary incident, the power to require such companies, by means of transfers, to transport passengers for one fare over two lines or branches operated by them. The power to fix a rate of fare must necessarily include the power to fix a rate for carrying a passenger over two lines operated by one company, as well as the power to fix a rate for carrying a passenger over one line operated by such company.

Chicago Union Traction Co. v. Chicago, 199 Ill., 484,
59 L. R. A., 631.

In the State of New York, statutory provisions requiring railroad corporations which contract for the use of the lines of other such corporations to issue transfers at intersecting points have been held to be valid police regulations.

Blume v. Interurban St. Ry. Co., 83 N. Y., Supp. 989.

Topham v. Interurban St. Ry. Co., 89 N. Y., Supp. 298.

Ketcham v. N. Y. City Ry. Co., 95 N. Y., Supp. 553.

Griffin v. Interurban St. Ry. Co., 179 N. Y., 438.

People v. Brooklyn Heights R. R. Co., 187 N. Y., 48.

O'Reilly v. Interurban St. Ry. Co., 179 N. Y., 450.

W. CABELL BRUCE,
General Counsel.

(59)

In the matter of
"Residents' " Books Issued by
THE UNITED RAILWAYS AND ELECTRIC CO. } April 28, 1911.

To the Public Service Commission of Maryland:

I reply to letter of the 28th inst., in which you ask for my opinion as to the legality of the "Residents' Books of Tickets" issued by the United Railways and Electric Company prior to November 14, 1910.

Before the receipt of your letter, I had requested a report on the subject from Mr. Albert C. Ritchie, my assistant, and I enclose herewith a copy of his report, dated the 15th day of April, 1911. I agree with him in thinking that the "Residents' Books" in the form in which they were issued, constituted an arbitrary and unreasonable discrimination and were illegal under the provisions of our Act. As you are aware, this has always been my view of the case, as well as that of the Commission, since the beginning of the controversy. I am very glad, however, to have it confirmed by such an exhaustive investigation as that which Mr. Ritchie has made.

W. CABELL BRUCE,
General Counsel.

APRIL 15, 1911.

W. CABELL BRUCE, ESQ.,

General Counsel to the
Public Service Commission of Maryland.

As requested by you, I have carefully considered the legality of the withdrawal of the so-called Residents' Books formerly in use by the United Railways and Electric Company, and also the legality of these books themselves in view of the provisions of the public Service Commission Law. I have had the benefit of the brief and argument of Mr. Linwood L. Clark in the Up-

ton case, of the argument of Messrs. Soper and Girdwood in the Old Frederick Road case, and of Mr. Thom on behalf of the railway company in both cases, and have also made an independent examination into the legal phases of the questions presented.

By Sec. 15 of the Public Service Commission Law it is provided that every common carrier "shall file with the Commission having jurisdiction, and shall print and keep open to public inspection," tariff schedules "The schedules printed as aforesaid shall plainly state the places between which property and passengers will be carried, and shall also contain the classification of passengers, freight or property in force, and shall also state separately all terminal charges, storage, icing charges, and all other charges which the Commission may require to be stated, all privileges or facilities granted or allowed, and any rules or regulations which may in anywise change, affect or determine any part or the aggregate of such aforesaid rates, fares and charges, or the value of the service rendered to the passenger, shipper or consignee. Such schedule shall be plainly printed; copies thereof for the use of the public shall be kept posted in public and conspicuous places in depots, stations and offices of every common carrier where passengers or property are received for transportation, in such manner as to be readily accessible to and conveniently inspected by the public wherever and whenever so ordered by the Commission." The form of such schedules shall conform as nearly as possible to the form of schedules required by the Interstate Commerce Commission.

"Unless the Commission otherwise orders, no change shall be made in any rate, fare or charge, or joint rate, fare or charge which shall have been filed and published by a common carrier in compliance with the requirements of this Act, except after thirty days' notice to the Commission and publication for thirty days," and all proposed changes shall be shown "by printing, filing and publishing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. The Commission, for good cause shown, may allow changes in rates without requiring the thirty days' notice and publication herein provided for, by duly

filing and publishing in such manner as it may direct, an order specifying the change so made and the time when it shall take effect; all such changes shall be immediately indicated upon its schedules by the common carrier."

Pursuant to these provisions, the United Railways and Electric Company, on September 16, 1910, filed with the Commission its "Schedule of Rates." This schedule stated the rate to be five cents for each passenger over twelve years of age, and three cents for each child between the ages of four and twelve years, between points within the City of Baltimore, together with the required transfer privileges, and then proceeded to enumerate in detail all cases to which this general rate did not apply. These exceptions are of the following classes:

1. The rates charged upon the several suburban lines, with the fare zones on each of such lines, and in a few cases certain three cent transfer privileges.

2. "Special Landowner Rates." These apply (a) to the employees of the Maryland Steel Company, who are entitled to a seven and one-half cent fare between Sparrows Point and Highlandtown; (b) the employees of the Central Foundry Company, who are entitled to a four and one-sixth cent fare between Dundalk and Highlandtown and to a four and one-sixth cent fare between Highlandtown and city points; and (c) to residents on the Lakeside Line, from Tuxedo to Lake avenue, who are entitled to purchase coupon tickets making the rate to and from city points five cents. While the schedule does not so state, all of these "Special Landowner Rates" are said by the company to constitute part or all of the consideration for grants of rights of way by the landowners to the company. The legality of these rates is not considered in this opinion.

3. "Commutation Rates." Under this head, the residents of Emory Grove, Owings Mills, West Arlington, Pikesville, Catonsville and Walker's Entrance are entitled to purchase coupon tickets or books, and the residents in the vicinity of the Car House on the Gwynn Oak Line, and in Powhatan, are entitled to purchase what are called householder tickets or books, all of which tickets or books are only sold to residents of or in the vicinity of the particular localities named, and which in every case enable such residents to travel to or towards the city

limits and return for a less fare than is charged on the same line to all who are not residents, and who for this reason are not entitled to obtain or to travel upon the books at all. While these tickets or books are classed under the head of "Commutation Rates," they are properly and correctly known as Residents' Books. It is the legality of these Residents' Books which is to be considered.

4. Excursion Rates. These apply on certain lines during certain seasons of the year, and are open to all. They are not involved in this opinion.

5. Rates for the funeral car "Dolores," and for special cars. These rates are not involved in this opinion.

In addition to filing its schedule of rates with the Commission, the Railway Company also posted printed schedules as required by law, at the different stations, termini and car barns which the company maintains. These printed schedules conform in every respect to the schedule filed with the Commission, except that they contain no reference at all to the Special Landowner Rates, the Commutation Rates, the Excursion Rates or the rates for the funeral car "Dolores" or for special cars.

In considering the legality of the withdrawal of the Residents' Books, and then of the legality of these books themselves, the first question which arises is, what is the legal result of the inclusion of these residents' rates in the schedules filed with the Commission, and is the result affected in any way by the omission of any reference to these rates in the printed schedules?

The provisions of Sec. 6 of the Interstate Commerce Act, as now amended (see Barnes. Interstate Transportation, p. 1105-6), are practically identical with the provisions of Sec. 15 of our law already quoted, and the decision under the Interstate Commerce Act appear to be decisive of the two questions indicated.

Under the Interstate Commerce Act as originally enacted there was some doubt as to whether the Tariff Schedules should contain Commutation, Excursion and Mileage Tickets. This was due to the fact that Sec. 22 of the original act of 1887

provided that "nothing in this Act shall *apply* to the issuance of mileage, excursion or commutation tickets."

Drinker, Interstate Commerce Act, Vol. I, S. 158, 234.

I. C. C. v. B. & O. R. R. Co., 43 Fed. Rep. 37, 41.

Subsequently, however, Sec. 22 was amended so as to read "nothing in this Act shall *prevent* the issuance of mileage, excursion or commutation passenger tickets," and in this form it is similar to Sec. 16 of the Maryland law. The Interstate Commerce Commission now holds that mileage, excursion and commutation rates must not only be inserted in the Tariff Schedules, but must be printed and posted as well.

Drinker, Interstate Commerce Act, Vol. I, S. 158, 234.

Barnes, Interstate Transportation, S. 563 E, p. 836;
S. 657, p. 921; see also S. 463 H, p. 707.

The same is true with reference to party rate tickets.

Barnes, Interstate Transportation, S. 564 F, p. 841;
S. 659, p. 925.

All privileges or facilities attached to tickets must be inserted in the schedule, and this requires non-transferability to be inserted.

B. & O. R. R. Co. v. Hamburger, 155 Fed. Rep. 849.

It is, therefore, quite clear that aside from the provisions of Sec. 16, p. 27, of the Maryland law, expressly requiring excursion and commutation rates to be filed, the schedule of rates filed by the United Railways and Electric Company with the Commission properly set forth the so-called Commutation Rates or Residents' Books, the Special Landowner Rates and the Excursion Rates. In other words, *all* rates, whether special or otherwise, should appear upon the Tariff Schedule. Indeed, this would seem to follow from the requirements in S.

15, p. 24, of the Maryland law, that the schedule shall state "all privileges or facilities granted or allowed."

Moreover, since the schedule filed with the Commission properly contained these special rates, it follows, I think, that the printed schedules which were posted should have contained them also. A reading of Sec. 15 of the law makes it too clear for discussion that the printed and posted schedules are to be precisely the same as and in no respect different from the schedule filed with the Commission. The printed schedules are simply copies of the filed schedule, and should not omit any rates which the latter contains. This is the requirement of the Interstate Commerce Act and it is also the requirement of our law.

While, however, the failure to insert the special rates in question in the printed schedules constitutes a defect in these schedules, it does not follow that on this account the Residents' Books rates, which are the only rates now under discussion, were not legal. The United States Supreme Court has expressly held that the posting of rates is not a condition precedent to the establishment of rates, but is merely intended to afford facilities to the public for ascertaining the rates actually in force; and that rates shown on the schedule filed with the Commission and with the company's agents are in force and operative, even though copies thereof have not been posted as required by the law.

Texas and Pacific Ry. Co. v. Cisco Oil Mill, 204 U. S., 449.

Barnes, Interstate Transportation, S. 460 D, p. 692.

Drinker, Interstate Commerce Act, Vol. I, S. 239.

What, then, is the effect of including the Residents' Books, in the company's Schedules of Rates?

In Drinker, Interstate Commerce Act, Vol. I, S. 240, a decision of the Commission is quoted as follows:

"When once lawfully published, a rate, so long as it remains uncanceled, is as fixed and unalterable either by the shipper or by the carrier as if that particular rate had been established by a special Act of Congress. When regularly published it is

no longer the rate imposed by the carrier, but the rate imposed by the law."

So true is this, that the Supreme Court has held that where a rate contained in the Tariff Schedule is unlawful because excessive and unreasonable, still the shipper cannot have redress from the Courts until he has first invoked redress through the Commission, "which body alone is vested with power originally to entertain proceedings for the alteration of an established schedule."

Texas and Pacific Ry. Co. v. Abilene Cotton Oil Co.,
204 U. S., 426, 435.

Same v. Cisco Oil Mill, 204 U. S., 449.

B. & O. R. R. Co. v. Pitcairn Coal Co., 215 U. S., 481,
493.

Interstate Commerce Commission v. C., R. I. & P. Ry.
Co., 218 U. S., 88, 110.

So. Ry. Co. v. Tift, 206 U. S., 428.

Harriman v. Interstate Commerce Commission, 211
U. S., 407, 428.

Now Sec. 15 of the Maryland law, as already shown, prohibits any change being made in any rate, fare or charge shown on the schedule, except with the Commission's consent given in the manner indicated in Sec. 15. This applies to regular rates, to commutation rates, and to every other rate *which is of a character permitted by law*, and which is shown on the schedule filed with the Commission. Whenever a rate falls within one of the classes which a corporation is permitted to make, then the inclusion of that rate in a schedule establishes it as legal, and it remains legal until the Commission, in accordance with Sec. 15, orders or permits it to be abrogated or changed.

Such a rate may be unlawful because it is excessive, or because it is preferential, or because it is discriminatory, or because it violates the long and short haul clause, or for other reasons, but if it is included in the schedule, then it cannot be altered or cancelled except with the Commission's consent in the manner provided in Sec. 15. This is true whether the rate

is a mileage, excursion, commutation, party, round-trip or any other kind of legally permissible rate.

But all this is not applicable, in my judgment, to a rate *which is void on its face*. In other words, what has been said does not apply to a rate which, though appearing on the schedule, is yet there expressly shown to be of such character as to be prohibited by law. Such a rate would be inherently illegal, and could receive no force or vitality from the fact that it was inserted in the schedule. For example, if the schedule states that free transportation will be granted to persons other than those authorized to receive it under Sec. 16, such free transportation would be illegal because absolutely prohibited by Sec. 16, and it could not be given even a temporary legality lasting until formally set aside by the Commission, by reason of the fact that it was inserted in the schedule. In like manner preferences and prohibitions are absolutely prohibited, except that commutation tickets are allowed, and if the schedule contains a rate which is plainly not a commutation rate at all, but which by its very description is discriminatory, then such rate is simply void because in violation of the express terms of the law.

In other words, a rate shown on the schedule is binding and legal until formally set aside, in accordance with Sec. 15, only where it is such a rate as *may*, under some circumstances, be legal. If the rate may or may not, according to circumstances, be a preference, or a discrimination, or be excessive, then it can only be changed after the passage by the Commission of an order, and the publication thereof, under the provisions of Sec. 15 of the law, and until that time it continues in force. But where the rate, from the manner in which it is described in the schedule, is such that it cannot possibly be legal, where it must, from its very designation, be unlawful, then it is simply no rate at all, because it is in the very teeth of the law.

Applying these principles to the manner in which the Residents' Books were withdrawn, we find, in the first place, that the company's Schedule of Rates, while calling these books "Commutation Rates," clearly describes them as special reduced rates which are in fact granted only to residents of particular, named localities. We find, also, that in the opinion of

the Commission rendered on October 14, 1910, in the Gillette case, the Commission, after declining to reduce the fare on the Ellicott City Line, said "It is altogether beyond our power to order one rate of fare for 'residents' when for precisely the same service, at the same time and under the same conditions, a higher rate is applied to the general public. That would be a gross form of the unjust discrimination which the law creating this Commission expressly forbids. If it be true that it is the custom of the defendant to issue such 'residents' tickets' on other suburban lines, it may not be proper for us to order a discontinuance of the custom without giving the parties interested an opportunity to be heard in its defense, but it is clearly our duty to bring the question to a prompt determination, and we will request our counsel to take whatever steps may be necessary to that end."

Subsequent to this, and after conferences with the railway company or its counsel, the Commission permitted the company to recall the Residents' Books which the Commission had already characterized in its opinion in the Gillette case as illegal, and did this without the publication of any notice or the passage of any order under Sec. 15. I am of opinion that if these Residents' Books, described in the company's Schedule of Rates, as there described are inherently illegal because on their face contrary to law, that then the manner in which the books were withdrawn was entirely proper.

Moreover, even if I am wrong in this, and even if the Residents' Books could not lawfully be withdrawn except after an order and publication as provided in Sec. 15, still this does not mean, as counsel for the petitioners in the pending case contend, that the Commission must now order the Residents' Books restored because they were not withdrawn in accordance with the law. The subject of the legality of these books has been fully argued, and their status can be defined as well now as in the future. Indeed, the question is directly presented in the pending case, and it is the Commission's duty to pass upon it. Certainly the Commission should not order the Residents' Books to be restored on the ground that the proper procedure for their withdrawal was not technically complied with, if as soon as the books are restored it would become the duty

of the Commission, after giving the notice provided by Sec. 15, to order their withdrawal again on the ground that they are inherently illegal. The very same counsel who ask that the books be restored for the technical reasons referred to, have already been fully heard on the legality of the books themselves, and even conceding as correct their contention that the books should not have been withdrawn without an order and publication, still the proper course now, in my judgment, is for the Commission to pass finally upon the legality of the Residents' Books, and not to order them restored if in the opinion of the Commission they are illegal.

I pass, therefore, to a consideration of the legality of the Residents' Books as those books are described in the schedule, which description appears to be in exact accord with the manner in which the books were actually issued.

Sec. 16 of the Maryland law prohibits, in the broadest terms, any and all undue or unreasonable preferences or discriminations in the charges made to passengers, but provides also that nothing in the Act "shall prevent the issuance of mileage, excursion, school commutation or commutation passenger tickets," etc.; the same section prohibits carriers from charging in any case any greater or less compensation than is charged to all other persons "under the same or substantially similar circumstances and conditions;" and Sec. 19 provides that no carrier shall charge any greater compensation in the aggregate for the transportation of passengers "under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance."

The Residents' Books were issued solely to the residents of particular geographical localities, and were issued to them solely because of the fact of their residence in these localities. A passenger traveling to or from any of these favored localities was not entitled to purchase the books, unless he was a resident. The inevitable result was that a person residing in one of the favored localities could ride thereto or therefrom for a less rate than was charged to a person who did not reside therein, for a ride over the same line, at the same time, in the same direction, and for the same distance; and unless there is

some distinguishing feature in the place of residence, then both riders would be taken under precisely the same circumstances and conditions.

It is quite clear that there are only two theories upon which the Residents' Books could possibly be sustained. The first is that they were issued originally as inducements to persons to locate in the favored districts—the company, of course, expecting to reap a larger financial return because of this—and that such persons did in fact locate in these districts, build their homes and establish their families there, all in reliance upon the reduced fare which the Residents' Books afforded. This is putting the situation in its most favorable light to the residents.

In *Southern Pac. Co. v. Interstate Commerce Commission*, decided by the United States Supreme Court February 20, 1911, *Advance Sheets* March 15, 1911, p. 288, it is held that reduced rates granted for the encouragement of lumber industries which had established themselves in reliance thereon, may be raised by the railroad, notwithstanding the effect upon these lumber interests, provided the new rate is in itself reasonable. This decision demonstrates that the residents have no vested rights of any kind in the books. They accepted them, and built their homes on the faith of them, subject to the risk of a change in the law which would render their continuance unlawful.

L. & N. R. R. Co. v. Mottley, U. S. Supr. Ct., decided Feb. 20, 1911, *Advance Sheets* March 15, 1911, p. 265.

The United States Supreme Court having thus disposed of the first contention which might be made in favor of the books, there remains but one argument in support of their legality, namely, that the books are legal on the ground that the residents of the favored localities constitute a class among themselves, so that special rates may be given them which are not given to persons residing outside of these localities. Authorities need not be cited for the well-settled proposition that for these residents to constitute a class of this kind, the classification must not be arbitrary, but must be based upon some

reasonable distinction in principle between residents of the localities in question and non-residents of these localities.

When it is remembered, as already pointed out, that the existence of Residents' Books results in a different rate of fare to two persons who travel over the same line, at the same time, in the same direction, for the same distance, this difference in fare depending solely upon the fact that one of these persons resides in a given locality and the other does not, it is simply impossible to conceive of any reasonable principle upon which to justify a distinction in classification between the two.

Indeed, it may well be doubted if it is ever proper to seek for theoretical or possible reasons for a classification when the true reason is at hand. The true reason for this classification of residents is found in the railway company's belief that thereby the favored localities would grow, that in proportion as they did this the company's receipts would increase, and that the residents built their homes in the faith of the books. But this has been expressly held by the Supreme Court not to justify the continuance of rates granted upon such grounds in the face of a statute making them illegal, and the dicta to the contrary in *Sprigg v. B. & O. R. R. Co.*, 8 I. C. C. R. 443, can no longer be regarded as authoritative.

If, however, we disregard this, and seek to construct some reasonable basis for the classification of residents, we cannot find one. Such a classification is not based on age, nor on occupation, nor on accommodations, nor on the purpose for which the cars are to be used, nor is it in the interest of education or of charity, or in the interest of any lawful object whatever. It is simply and inherently an arbitrary classification, based upon no reason at all other than the locality in which a person happens to reside, and the only thing upon which it could possibly be sustained, namely, that the residents purchased their homes in reliance upon it, has been held by the Supreme Court to be no justification at all for the continuance of the rates.

Commutation tickets may, of course, be issued, and undoubtedly involve a preference, but these tickets may be issued because the law expressly authorizes them. Commutation tickets, however, to be legal and not discriminatory, must be

open to all who desire to purchase them between the points in which they are in force.

Hutchinson, Carriers, Vol. II, S. 1030.

Barnes, Interstate Transportation, S. 563 E, p. 836.

Weber Club, &c., v. Oregon Short Line R. R. Co., 17

I. C. C. R. 212, 216.

State ex rel Atwater v. R. R. Co., 48 N. J. L. 55.

The Residents' Books, not being open to the public generally, are not commutation tickets, and are not authorized by the provisions of the law allowing commutation tickets to be issued.

Party rate tickets, in order to be legal, must be open to the general public.

Interstate Commerce Comm. v. B. & O. R. R. Co.,
145 U. S. 263; 43 Fed. Rep. 37; 3 I. C. C. R. 192.

They cannot be issued to persons belonging to amusement companies only.

In re Party Rate Tickets, 12 I. C. C. R. 95, and cases there cited.

Field v. Southern Ry. Co., 13 I. C. C. R. 298.

If persons engaged in a certain occupation do not constitute a class which justifies the issue to them of party-rate tickets, it is equally clear that persons residing in a particular locality do not constitute a class which justifies the issue to them of reduced transportation.

Excursion rates must be open to all of the public who are willing to comply with the conditions under which they are issued.

Cator v. So. Pac. Co., 6 I. C. C. R., 113, 117.

Mileage books must be offered impartially to all who accept the conditions. They cannot be sold to commercial travelers for a lower price than to the general public.

Larrison v. C. & G. T. Ry. Co., 1 I. C. C. R., 147.

In re Passenger Tariffs, 2 I. C. C. R., 649, 653.

In *Commonwealth v. Interstate Consolidated Street Railway Company*, 187 Mass., 436, it was held that public school children form a class for which special rates may be provided, on the ground that this was a reasonable classification *in the interest of public education*. This case was affirmed in 207 U. S., 79, but the court did not consider the constitutionality of the statute in question, but rested its decision upon the proposition that whether constitutional or not, it was binding upon a company which had accepted its charter subject to all duties imposed by general laws "now or hereafter in force." See case note to this decision in II L. R. A. (NS), 973.

No authority carries the right to classify individuals farther than does this Massachusetts decision, and yet there the court fully recognized that public school children could not receive reduced rates unless there was some reasonable grounds for constituting them a class, and the justification for this was rested by the court upon the promotion of public education, which had always been the special care of the Commonwealth. No similar or analogous justification can be found for constituting a class of all the residents of a given locality. It is also important to note that in *re Sale of Commutation Tickets to School Children*, 17 I. C. C. R., 144, the Interstate Commerce Commission held that school children did not constitute a class to whom reduced rates could be granted, but that such reduced rate, to be legal, must be granted to all children alike within a designated age limit.

Barnes, *Interstate Transportation*, s. 563, Dp. 835.

It is noteworthy that the Maryland Legislature did not take the chance of our courts holding school children to constitute a class to which reduced rates could be given, but in Section 16, p. 26, of the Maryland law, the issuance of school commutation tickets is expressly authorized.

See further:

Alabama, &c., Ry. Co. v. Miss. R. R. Comm., 203 U. S., 496.
Wilcox v. Consolidated Gas Co., 212 U. S., 19, 54.

It is, therefore, in my judgment, impossible to escape the conclusion that the Residents' Books in the form in which they were issued constituted an arbitrary and therefore an unreasonable discrimination, and hence were illegal under the Public Service Commission law. However strongly the Commission might desire to see these books restored, it cannot by any action on its part sanction their restoration without putting the stamp of its approval upon an illegal fare. However strongly the railway company might desire to restore them, it cannot do so without violating the law. It must be remembered that these books are not illegal because of any act on the Commission's part. Nor has any act of the railway company made them so. They are illegal solely and only because the Public Service Commission law makes them illegal. The provisions of that law which do this are not only plain, but they are self-executing as well. If the Commission had taken no action at all, if the railway company had never withdrawn the books, they would still be unlawful, because the law pronounces them so. What the Commission's counsel is now doing is not to pass upon any action which the Commission has taken or can take, but simply to advise the Commission that under the term of the Public Service Commission law as enacted, Residents' Books, in the form in which they have been used, are made illegal. If this be a misfortune to the residents who are deprived of the use of such books, it is a misfortune which neither the Commission nor the railway company can help, but one which results solely from the terms of the law as it was passed by the Legislature. The result must be that the Residents' Books cannot be lawfully restored.

In a supplemental opinion of this date, I have considered the different methods whereby relief may legally be granted to suburban residents in return for the books of which the law thus deprives them, and the limitations within which such relief may be granted.

Very truly yours,

ALBERT C. RITCHIE,
Assistant General Counsel.

APRIL 15, 1911.

W. CABELL BRUCE, ESQ.,

General Counsel to the
Public Service Commission of Maryland.

In my prior report of this date I reached the conclusion that the Residents' Books formerly issued by the United Railways and Electric Company were illegal and discriminatory, because not open for purchase by the public generally. In this report I will consider whether there is any method whereby the company can give reduced rates to the residents who formerly enjoyed them and at the same time comply with the law. It is proper to consider this, because the company has expressed itself as anxious and willing to restore the residents' rates if there is a way in which this can be legally done, and also because when the Commission finds that the Public Service Commission law denies to residents the reduced rates which they have long enjoyed, and on the faith of which they have established their homes, it is eminently the duty of the Commission to inquire whether or not there is a legal method of restoring these rates.

In the first place, it must be remembered that the Commission has absolutely no power to compel the railway company to give commutation, excursion, mileage or any other form of reduced rate. The Commission can fix reasonable maximum rates, but it cannot require carriers to transport passengers for less than the rates established. It cannot order tickets to be offered by the wholesale at less than the company is permitted to charge for them singly. This is a privilege which the company may exercise if it sees fit, but whether it will exercise it or not rests absolutely in the company's discretion, and the exercise of that discretion can be controlled neither by the Commission nor by express mandate of the Legislature. This is a thoroughly settled principle of law, recognized everywhere, and one which cannot be denied.

Lake Shore, &c., R. R. Co. v. Smith, 173 U. S., 684.

7 L. R. A. (N. S.), 1086 (Case note).

Eschner v. Pa. R. R. Co., 18 I. C. C. R., 60.

Sprigg v. B. & O. R. R. Co., 8 I. C. C. R., 443.

If the carrier does grant a reduced rate, then that rate must not be unduly discriminatory. If it is, it violates the law, and the Commission has no choice except to say so. It is on this ground that the Residents' Books have been shown to be illegal. The function of the Commission in this connection, therefore, is necessarily confined to indicating the manner, if any, in which reduced rates may be given to residents without unduly discriminating against those who are not residents. Whether or not the company will adopt any method suggested rests, under the law, entirely in the company's discretion.

There are two obvious methods whereby the railway company can legally give reduced rates. The first is by issuing commutation or mileage tickets which will be open to the public generally and not confined to the residents of particular localities. Such tickets would be clearly legal under Section 16, page 26, of the law. Whether or not the company would be justified in doing this is, of course, purely a railroad proposition, for it to decide in view of its earnings, expenses and all other circumstances.

The second method would be to procure an amendment to the law by the Legislature of 1912, authorizing the company to issue Residents' Books as heretofore, or under such restrictions, if any, as the Legislature saw fit to impose with reference to their ultimate withdrawal or otherwise. The authority to make recommendations to the Legislature for amendments of the law is expressly conferred upon the Commission by Section 20, page 30. Under the authorities above cited, such legislation, if passed, would not be compulsory upon the company, but permissive only.

In addition to these two methods, there are at least strong grounds for contending that a third exists whereby reduced rates may be legally granted under such limitations as will in practice substantially confine their use to residents of particular localities. This method may be illustrated by the Catonsville line.

The company could issue books for travel between Catonsville and Irvington and return. The tickets in these books would alternate, one entitling the holder to ride from Catonsville to Irvington, the next from Irvington to Catonsville. As many

such tickets could be sold in one book as the company deemed desirable, and the price could be at the same rate as the old Residents' Books—two and one-half cents for each trip. These books would be sold to everyone who wanted to purchase them. They could not be confined to residents of Catonsville, because that would be illegal for the same reasons that the Residents' Books were illegal. Therefore, the proposed books would have to be open for sale to the general public. But they would be issued subject to the condition, expressed not only on the tickets, but in the schedule of rates as well, that on the Catonsville to Baltimore trip they would be honored only if presented within the geographical limits of Catonsville.

Ticket books of this kind would, as a practical matter, be purchased principally, at least, only by the residents of whatever may be the geographical limits of Catonsville. Persons residing between those limits and Irvington would not purchase them, because the Catonsville to Irvington ticket would not be honored outside of the limits of Catonsville. Therefore, this ticket would be useless to residents outside of those limits unless they first walked to Catonsville and took the car there, and the persons who would do this are doubtless so few that they may be disregarded.

Moreover, while the Irvington to Catonsville ticket would be presented on the return trip at Irvington, and while the passenger presenting it would, of course, have a perfect right to leave the car before reaching the limits of Catonsville, still, as a practical matter, persons residing outside of Catonsville would not purchase the books, at least to any substantial extent, for the purpose of using the Irvington to Catonsville ticket, because for every one of those tickets which such person could use, and which would cost two and one-half cents, the book would also contain a Catonsville to Irvington ticket, which would not be used outside of Catonsville, but which would cost two and one-half cents also; so that the ride from Irvington out would cost persons residing between Irvington and the limits of Catonsville the regular five cent fare, and hence it would not pay them to buy the books.

Similar books could be issued at the old Residents' Books rates for travel to and from the other localities which formerly were entitled to the Residents' Books.

If these books are legal, they could, of course, be purchased by anyone who accepted the conditions as to the locality where they must be presented, but as already shown, practically no one would accept this condition except those residing at the presentation point, and therefore the books would result in restoring the old residents' rates to substantially the same persons who formerly enjoyed them.

I do not mean to say that books of this kind would be open to no practical objections. Obviously, they would be criticised by those persons residing between the city limits and Catonsville, because those persons, although nearer to the city, would not have the benefit of as cheap a rate to the city as would their more distant neighbors on the same line residing at Catonsville. But the old Residents' Books were subject to the same criticism. Perhaps there are also objections to books of this character from a railroading standpoint, and certainly they would not be adopted by the railroad, nor should the Commission recommend their adoption, without a careful consideration of all such practical questions as may be involved.

The suggestion, from the standpoint of counsel, can amount to no more than this—that if legal, it embodies the only method whereby the rates formerly enjoyed under the Residents' Books can lawfully be restored to substantially the same persons who formerly enjoyed them.

Whether or not it is desirable to restore these rates if like rates are not given to intervening points is a grave question of policy for the Commission to determine. If it is desirable, then whether the suggested method is, under all the circumstances, proper, involves practical railroading considerations, with regard to which railroad men should be consulted. But the suggested method is the only alternative to an amendment of the law or to general commutation or mileage rates open to all. If the suggestion is for any reason deemed not practicable, then the residents can have no relief unless the Legislature grants it, or unless the railroad sells commutation or mileage tickets to everyone.

Independently of the Public Service Commission law, it appears that a reduced rate ticket limited on its face to travel between two points, is not good if presented at an intermediate station.

Johnson v. P., W. & B. R. R. Co., 63 Md., 106.

The difficulty arises because of the provisions of the Public Service Commission law, but in my opinion it is legal under that law to grant commutation books of the kind proposed, subject to the limitations herein set forth. The question, however, is by no means free from doubt. Speaking generally, the legal proposition is: Can a reduced rate be granted to the residents of a given locality, when the regular rate is charged to persons residing on the same line and nearer to the city than the locality which enjoys the reduced rate, and when there are also other localities on other lines which do not enjoy it?

It is true that the Interstate Commerce Commission has, in dicta, intimated that this cannot be done. In *Sprigg v. B. & O. R. R. Co.*, 8 I. C. C. R., 443, 449, the Commission said:

“It would clearly be unlawful to allow rates or privileges at one point more favorable than those accorded at a shorter distance point on the same line; but this does not imply that a more remote locality is entitled to concessions similar to those granted to intermediate points.”

The Commission accordingly held that a special rate could be given from Laurel to Washington which was not open from Baltimore to Washington.

In *Weber Club, &c., v. Oregon Short Line R. R. Co.*, 17 I. C. C. R., 212, 216, the Commission said:

“It might be an undue discrimination if those carriers were to except some one station from the benefits of the commutation rate while granting that rate to stations both more distant and less distant.”

I think, however, that within certain limitations the proposed books would be legal and not unduly discriminatory.

The proposition raises three questions:

1. Does the suggested plan involve an unreasonable preference in favor of the residents of the more distant locality who receive the reduced rate, as against the residents nearer to the city who do not receive it, and thus violate Section 16, p. 25, of the law? In other words, is there a preference between individuals?

2. Does the plan involve an undue or unreasonable preference in favor of the locality which receives the rate, as against other localities on other lines which do not receive it, and thus violate Section 16, p. 25, of the law? In other words, is there a preference between localities?

3. Does the suggested plan impose a higher rate for a shorter than for a longer distance over the same line in the same direction, under substantially similar circumstances and conditions, and thus violate the long and short haul clause contained in Section 19, p. 28, of the law?

1. Does the plan involve an undue discrimination between individuals residing on the same line?

In *Eschner v. Pa. R. R. Co.*, 18 I. C. C. R., 60, 63, the Commission held that a carrier "may at its pleasure, *at least so long as no undue discrimination or other violation of the Act is involved*, attach conditions and restrictions to the use of such special fares."

The plan suggested attaches to the commutation books the condition that the tickets will only be honored when presented within the limits of a given locality. Is this a reasonable condition, or does it unduly discriminate against persons residing at points on the same line where the right to purchase the books does not exist? This question lies at the basis of the discussion, and in my judgment the answer to it is: That if the favored locality constitutes by itself a separate, populated suburban community, then it is reasonable to sell commutation books which will be honored within the limits of that community, and which will not be honored at points on the same line which are only sparsely populated, whether such sparsely

populated points are nearer to town or further from town than the community within which the books will be honored.

So far as points *beyond* the suburban community are concerned, it is entirely clear that the books would not unduly discriminate against them.

Sprigg v. B. & O. R. R. Co., 8 I. C. C. R., 443.

Ballin v. So. Pac. Ry. Co., 19 I. C. C. R., 503.

As to points *nearer to town* than the suburban community, the matter is not so clear, especially in view of the Interstate Commerce Commission dicta above quoted. Bearing in mind, however, that the carrier can attach such conditions as it pleases to commutation tickets, provided only this does not result in an undue discrimination, and that the real question, therefore, is whether or not the honoring of such tickets within a certain locality only is a *reasonable condition*, this seems to me clear: That whenever the travel to and from a given locality is so frequent and extensive as to justify the carrier in giving special rates to and from that locality, then such special rates, if open to all who desire them, are legal, and it is not unreasonable to grant them for travel to and from such a locality, and not to grant them for travel to and from other points on the same line which are nearer to the city, but where travel to and from the city is not extensive, but is small. In other words, I think that the conditions existing in a well populated suburban community are not the same as exist at intermediate points on the line where people reside, but not in sufficient numbers to form a community of their own, and that because of these different conditions a special rate to and from the suburban community would not unduly discriminate against persons who reside at intervals along the line of the road, but not in any community of their own.

This is the same idea which the Supreme Court emphasized in Interstate Commerce Commission v. B. & O. R. R. Co., 145 U. S., 263, where, in the course of its opinion upholding party rate tickets, the Court said, on page 280:

“In short, it was an established principle of the business, that whenever the amount of travel more than

made up to the carrier for the reduction of the charge per capita, then such reduction was reasonable and just, in the interests both of the carrier and of the public."

The legality of the proposed books would rest on the proposition that the amount of travel in the communities where they would be honored would "more than make up to the carrier for the reduction of the charge per capita," and therefore it would be reasonable to issue them for travel to and from such communities; and conversely, the carrier would not be unreasonable in refusing to grant the books for travel to and from intermediate points where the amount of travel would not make up to the carrier for a reduction of the charge per capita.

The United States Supreme Court has held that "the service rendered by a railway company in transporting local passengers from one point on its line to another is not identical with the service rendered in transporting through passengers over the same rails." Hence disparity between through and local rates does not of itself show undue discrimination. The conditions are different.

Tex. & Pac. Ry. Co. v. I. C. C., 162 U. S., 197, 231.

Union Pac. Ry. Co. v. U. S., 117 U. S., 355, 363.

Certainly Catonsville, Pikesville, Emory Grove, Owings Mills, West Arlington, and perhaps other suburban settlements can properly be said to be communities where the amount of travel to and from the city is so frequent and extensive as to make up to the carrier for a reduction of the charge per capita; and I, therefore, think that if reduced rate books to and from these communities are sold to all who desire to buy them, that a condition that these books will only be honored on the city trip if presented within the limits of these respective communities would be reasonable and binding, and would not discriminate unduly either against persons residing beyond these communities or against persons residing nearer to the city, but not in any suburban communities of their own.

2. Does the plan involve an undue discrimination between localities on different lines?

In my opinion, this is a more serious question than the one just discussed. There are suburban communities which never enjoyed Residents' Books. Towson is one. Suppose, now, that the proposed books were issued only for travel to and from the particular communities which formerly had the Residents' Books. Could the residents of Towson say that they were unduly discriminated against by the issue of the books for travel to and from Catonsville, for example, and not to and from Towson also?

Under Section 16, p. 25, of the Maryland law, undue preferences to localities are forbidden, and it seems to me entirely clear that a commutation rate to and from one locality *may* constitute a preference to that locality over another which does not receive such a rate. As said by the Commission in *Sprigg v. B. & O. R. R. Co.*, 8 I. C. C. R., 443, 451:

"It may be that the allowance of commutation rates at stations on one line of a railroad system, and the denial of such rates at stations on another line of the same system, such stations respectively being of similar character and at similar distances from a common terminus, would be an undue preference within our power to correct; but that question is not before us."

Indeed, it is quite conceivable that under the guise of commutation tickets to a given community, another community, which does not enjoy them, *might* be not only discriminated against, but completely destroyed.

On the other hand, the *mere fact* that special rates are granted to one community and not to another, does not show an undue discrimination between the two, because whether or not the discrimination is *undue*, which is the only thing that makes it illegal, necessarily depends upon all the circumstances.

Weber Club, &c., v. Oregon Short Line R. R. Co., 17 I. C. C. R., 212.

Ballin v. So. Pac. Co., 19 I. C. C. R., 503.

Therefore, whether the granting of the proposed books for travel to and from the communities which formerly enjoyed the Residents' Books, would constitute an undue discrimination against communities, such as Towson, to which the books were not granted, would depend entirely upon whether or not the population, the amount of travel, and all other material circumstances and conditions were substantially the same in those communities which did not enjoy the books as they were in those communities which did enjoy them. If, for example, the Catonsville conditions are substantially the same as the Towson conditions, then the granting of commutation books for travel to and from Catonsville, and not to and from Towson also, might well constitute an undue discrimination against Towson in favor of Catonsville.

To what extent conditions at communities where the books were granted might be substantially the same as conditions at communities where they were not granted, would necessarily depend upon so many facts that it could not be determined without a formal hearing in each case.

The result is, that if the company were to grant the proposed books for travel to and from *all* suburban communities, there could, of course, be no discrimination as between localities. But if the company were to grant the books to some communities and not to others, then it might be that the latter communities would be unduly discriminated against; and if the facts showed that they were, the company would either have to extend the books to such communities, or else cease discriminating against them by withdrawing the books altogether.

3. Does the proposed plan violate the long and short haul clause?

Obviously, the plan would involve a higher rate for the shorter than for the longer distance, over the same line in the same direction. That is, persons residing nearer to the city, but outside the limits of the community where the books would be honored, would pay a higher rate of fare than persons residing further away, but within the community where the books would be honored.

It must be remembered, however, that the same law which provides that the long and short haul clause shall be observed

also provides that commutation tickets may be issued. This must mean that to the extent to which commutation tickets necessarily interfere with the long and short haul clause, they are legal. "*Nothing in this act contained shall prevent the issuance*" of commutation tickets. (Sec. 16, p. 26.) Therefore, the long and short haul clause shall not prevent it. The general observance of that clause is thus expressly made subject to an exception in favor of commutation tickets, at least to the extent to which commutation tickets necessarily violate it.

If now I am right in holding that the granting of a commutation ticket for travel to and from a suburban community does not discriminate unduly against persons who live on the same line nearer to the city, but not in any community, because the conditions—population, amount of travel, etc.—are different, then clearly the necessary effect of such a ticket is to give a lower rate of fare to the suburban community than is given to residents on the same line nearer to the city. This is a result inherent in the very nature of the ticket itself. The long and short haul clause does not stand alone. Its application is subject to certain exceptions, and one of these exceptions exists in the case of commutation tickets. This exception necessarily carries with it as legal any preferences which are inherent in the commutation ticket itself. It was to legalize preferences of this kind that the power to issue such tickets was given.

Since commutation tickets can be issued, and since such a ticket may legally result in charging less to the community in which it is honored than to points nearer the city, it follows that a commutation ticket which does this does not violate the long and short haul clause, but does fall directly within the exception which the law makes in favor of commutation tickets. You cannot make legal a commutation ticket without at the same time making legal all consequences which flow from the use of such a ticket. If one of these consequences involves a higher charge for the shorter than for the longer haul, still the long and short haul clause is not infringed, because the case falls within the exception to that clause which the act expressly makes.

Moreover, the long and short haul clause "is only a form of unjust discrimination and undue preference," and "where the

circumstances and conditions at the longer distance point are substantially dissimilar to those at intermediate points on the same line, the prohibition against charging more for the shorter than for the longer haul is not applicable."

Barnes, Interstate Transportation, S. 105, 106.

If, therefore, I am right in previously holding that the existence of a suburban community at one point and the non-existence of such a community at another point, constitutes a difference in circumstances and conditions between the two, then it follows that the long and short haul clause would not be violated by the proposed books. The conditions in the community where the lower rate is given are substantially dissimilar from the conditions where no communities at all exist and where the higher rates are charged to occasional residents.

Finally, by the express terms of Section 19, the Commission is authorized, upon application of any carrier, and after investigation, to authorize the carrier to charge less for the longer than for the shorter distance. Consequently, if the proposed books be practicable and desirable, the Commission could obviate any chance of a violation thereby of the long and short haul clause by special order passed under the above authority.

My legal conclusions, therefore, upon the proposed books are:

1. That they can legally be granted for travel to and from established suburban communities, good on the city trip only if presented within the limits of these communities, provided they are open for sale to the general public.

2. That they will not unduly discriminate against residents on the same line who reside outside of the limits of the communities in which the books will be honored.

3. That they will probably discriminate against communities on other lines to which the books are not granted, when the conditions in such communities are substantially the same as the conditions in the communities where the books are granted.

4. That the books will not violate the long and short haul clause.

Very truly yours,

ALBERT C. RITCHIE,
Assistant General Counsel.

(60)

In the matter of the
Transportation by the MARYLAND ELECTRIC RAILWAYS COMPANY of Cadets of St. John's College, Annapolis, Md., at Special Rates. } May 3, 1911.

To the Public Service Commission of Maryland:

I reply to communication of the 27th ultimo, enclosing me a copy of a letter, dated the 26th ultimo, from Mr. J. F. Heyward, vice-president and general manager of the Maryland Electric Railways Company, asking you whether his company can lawfully transport between Annapolis and Saunders Range at a low and special rate cadets at St. John's College, which is one of the institutions in the several States receiving military instruction and stores from the United States Government.

Saunders Range is the range in Anne Arundel County used by the Maryland National Guard for practice in marksmanship, and the application in this case is made by Lieutenant Fisher, of the United States Army, who has been detailed by the President, pursuant to the legislative authority of Congress, to act as an instructor in military drill and tactics at St. John's College.

Section 1225 of the Revised Statutes of the United States, as amended by the Acts of Congress, approved September 26, 1886, January 13, 1891, November 3, 1893, April 21, 1904, and March 3, 1909, and supplemented by regulations prescribed by the President, create a complete system, under which military instruction and ordnance and ordnance stores are supplied to institutions like St. John's by the Federal Government. The policy of the Federal Government in rendering such aid is, of course, that of promoting the military strength of the nation by extending as widely as possible the benefits of military discipline and skill.

Under the circumstances, the interest of the National Government in St. John's and its cadets is such that I am of the opinion that the application of Lieutenant Fisher falls within the provisions of Section 16 of our Act, which exempt from the pro-

hibition of that section against free transportation "the carriage free or at reduced rates of persons or property for the United States Government."

It seems to me, therefore, that the Maryland Electric Railways Company can lawfully grant to Lieutenant Fisher, as the representative of the National Government, the same low and special rate as that granted by it to the Maryland National Guard.

W. CABELL BRUCE,
General Counsel.

(61)

<p>In the matter of the</p> <p>Sale of Excursion Tickets by Carriers at an Agreed Rate in Excess of Published Rate of Fare, for the Purpose of Pay- ing Such Excess to the Organization Conducting the Excursion.</p>	}	<p>May 6, 1911.</p>
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MESSRS. GRISWOLD AND MARSHALL,
1405-1406 Continental Building,
Baltimore, Md.

GENTLEMEN:

I am in receipt of your letter of the 5th inst. Mr. James M. Ambler was the only member of the Public Service Commission accessible to me today; but, after considering the contents of your letter, I have reached the conclusion that the Maryland Electric Railways Company cannot lawfully sell to the visiting delegates of the fraternal order mentioned by you, who may, on the occasion mentioned by you, present an identification ticket at the Camden Station ticket office, round trip tickets at the reduced rate of ninety cents, even though under the arrangement between the local lodge and the company, the company would afterwards refund to the lodge fifteen cents

on each round trip ticket so purchased, for the benefit of the lodge.

The tariff of passenger rates filed with this Commission by the company names a rate of seventy-five cents between Baltimore and Annapolis for parties of one hundred persons or more, the regular round trip ticket between Baltimore and Annapolis being one dollar.

The Commission, in my judgment, has no authority to permit any deviations from the regularly scheduled rates of the company, even though because of private arrangements between the company and persons dealing with it, the deviations are apparent rather than real. To allow such deviations under the circumstances mentioned in your letter would be to invite possible collusion and evasion on the part of transportation companies and their patrons. In the nature of things, the Commission cannot be expected to go behind rates actually exacted by transportation companies in excess of their tariff rates for the purpose of securing information showing that because of private arrangements between such companies and their patrons, rates though in appearance in excess of the rates allowed by law are in reality not such.

I send this letter only because Mr. Griswold, of your firm, told me this morning that it was of urgent importance that a communication should be received from the Commission today, as the movement of delegates to the convention at Annapolis would begin next Monday. It is sent, of course, with the approval of Mr. Ambler and subject to future action of the Commission as a whole.

Truly yours,

W. CABELL BRUCE,
General Counsel.

(62)

In the matter of
THE EASTON LIGHT AND FUEL COMPANY.
Inquiry as to Legal Right to Furnish Gas
to Local Hospital at Less than Cur-
rent Rates to Other Consumers.

} May 11, 1911.

To the Public Service Commission of Maryland:

I am in receipt of communication of the 4th inst., accompanied by a copy of a letter, dated the 2d inst., from Mr. Joseph B. Seth to Mr. Laird, of the Commission. Mr. Seth's letter asks Mr. Laird whether the Commission will permit the Gas Company at Easton to supply the hospital there with gas at \$1 per thousand feet, or a sum less than the current rate charged by the gas company to its other customers.

The provisions of our Act (Sec. 16, p. 26) authorize common carriers to give free transportation to inmates of hospitals, as well as to certain other persons, after first declaring in the same section that no common carrier shall directly or indirectly by any special rate, etc., charge, demand, collect or receive from any person or corporation a greater or less compensation for any service rendered or to be rendered in the transportation of passengers, freight or property "*except as authorized in this Act*" than it charges, demands, collects or receives from any other person or corporation for doing a like and contemporaneous service in the transportation of a like kind of traffic under the same or substantially similar circumstances and conditions.

I cannot see to what the words in these provisions, "except as authorized in this Act," can refer unless to the provisions of this section relating to *free* transportation to certain persons, *free or reduced* transportation to certain other persons and the issuance of mileage, excursion, school commutation and other special tickets.

After dealing with common carriers, and enacting various provisions in some cases applicable exclusively to them and in

some cases applicable to them and to other corporations besides, our Act takes up separately and enacts various provisions applicable respectively to—

- (1) Gas and electric corporations;
- (2) Telephone and telegraph companies; and
- (3) Water companies, refrigerating and heating companies, and power companies.

With regard to all these companies, with the exception of gas and electrical companies, it is declared in connection with the separate attention given to each group by the Act, that all the provisions of the Act respecting the other kinds of public service corporations previously mentioned in the Act, in reference to hearings . . . the fixing of just and reasonable prices . . . “and any and all other sections, paragraphs, provisions and parts of this Act in reference to any other corporations subject to any of its provisions, so far as the same shall be practically, legally, or necessarily applicable to” the particular group of public service companies in question, shall be applicable to such companies respectively. No such adoptive clause assuming its scope to be wide enough to include the provisions touching free or reduced transportation, is found among the special provisions of our Act relating to gas and electrical corporations. This if not pure oversight, was probably because these special provisions are only less elaborate and detailed than the special provisions of the Act relating to common carriers. It is noticeable, however, that the language of the Act prohibiting gas and electrical corporations from granting special rates, etc., is worded like the language of the Act prohibiting common carriers from doing the same thing. “No gas corporation or electrical corporation,” the Act declares, p. 43, “shall directly or indirectly, by any special rate, etc., charge, demand, collect or receive from any person or corporation a greater or less compensation for gas or electricity, or for any service rendered, or to be rendered, in connection therewith, “except as authorized by this Act,” than it charges, demands, collects or receives from any other person or corporation for doing a like and contemporaneous service with respect thereto, under the same or substantially similar circumstances or conditions.”

At first glance, it occurred to me that the words, in this connection, "except as authorized in this Act," might be given the effect of referring back to the previous provisions of the Act allowing free transportation to be given to inmates of hospitals and other persons and of adopting these provisions, so far as applicable to hospitals. But on mature thought, I can find no solid justification for such a construction, even though the Act should be so construed, if possible, as to give effect to all its parts. Gas and electrical companies are nowhere expressly authorized to charge special rates, etc. It is only common carriers by name that are expressly allowed to do so in some instances. Nor is there in relation to gas or electrical corporations any such adoptive clause in the Act as we find, as we have seen, in relation to telephone, telegraph, water, refrigerating and heating and power companies. Moreover, Section 16 provides for free, not reduced, transportation for the benefit of inmates of hospitals, not hospitals. Even, therefore, if gas companies were read into this section by construction, I might question the application of the section to such a case as the present.

The way in which the phrase "except as authorized in this Act" crept into the provisions against the allowance of special rates, etc., by gas and electrical corporations, is, I imagine, this. There are no such provisions in the New York Act from which our Act was substantially copied, though there are such provisions in that Act relating to common carriers. Doubtless the draughtsman of our Act, in applying almost the exact words of these provisions to gas and electrical companies brought down mechanically the words "except as authorized in this Act." Similar inadvertence, originating in the fact that two commissions are provided for by the New York Act, is found in the phrase a few lines further on in our Act, "the proper commission." I am compelled, therefore, to say that, in my opinion, unless there are circumstances rendering the furnishing of gas to a hospital a substantially similar service, as to character and nature, to that of furnishing gas to an ordinary patron, the gas company at Easton has no lawful power to supply gas to the hospital at an amount less than its current rate per thousand feet. No such circumstances have been brought to my atten-

tion, and none, I apprehend, can be. It has been held that differences in the social, political and financial standing of passengers do not make their transportation not "under substantially similar circumstances and conditions."

In re Boston and Me. R. R. Co., 3 I. C. C. R., 717; 5 I. C. C. R., 69.

For like reasons it seems to me that the same thing should be true of a consumer of gas distinguished from consumers of gas generally only by its eleemosynary aims. These aims constitute in my judgment excellent grounds for an application to the General Assembly for an amendment to our Act authorizing gas companies to allow special rates to hospitals; but, in enacting the law, the Legislature has not seen fit to create such an exception in favor of hospitals.

W. CABELL BRUCE,
General Counsel.

(63)

In the matter of
Contracts by Carriers for Exchange of } May 18, 1911.
Transportation for Advertising.

To the Public Service Commission of Maryland:

I reply to communication dated the 15th inst., in which I am asked, on behalf of the Commission, whether a form of contract for transportation submitted to the Commission by Mr. John F. Williams, the counsel of the Queenstown and Love Point Transportation and Development Company, can be considered a contract falling within the provisions of Section 16 of our Act, page 26, which, in connection with the enumeration of certain classes of persons, to whom free transportation, or transportation at reduced rates, may be allowed by common carriers, declare that nothing in the Act shall be construed to

prohibit any common carrier from transporting persons or property as incident to, or connected with, contracts for construction, operation or maintenance, and to the extent only that such free transportation is provided for in the contract for such work.

The proposed form of contract contains the following stipulation by the company:

“In consideration of placing a card advertising the trips of the Dreamland to Chesapeake Beach and return place of business (sic) during the months of June, July and August, 1911, inclusive, we agree to furnish two passes for two trips per month during the season to the aforementioned firm or their family from Baltimore to Chesapeake Beach and return upon presentation of this order to the company any Tuesday, Wednesday or Thursday (except July 4th).”

Independently of the provisions of Section 16 of our Act, which I have just quoted, it is perfectly clear that such a contract would be entirely illegal and invalid. By earlier provisions of the same section, page 25, it is expressly provided as follows:

“No common carrier shall charge, demand, collect or receive a greater or less or *different* compensation for transportation of passengers, freight or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules and filed and in effect at the time.”

Under provisions similar to these in the Act of Congress of June 29th, 1906, it was held by the Supreme Court of the United States in the case of Louisville and Nashville R. R. Co. v. Mottley and wife, decided February 29, 1911, that a common carrier cannot receive anything but money in return for transportation. The consideration set up in that case for certain

annual passes issued by the railroad company to a husband and wife was certain releases which they had executed to the company, releasing it from all claims for damages for personal injuries received by them in a train collision. The court said:

"The passenger has no right to buy tickets with services, advertising, releases or property, nor can the railroad company buy services, advertising, releases or property with transportation. The statute manifestly means that the purchase of a transportation ticket by a passenger and its sale by the company shall be consummated only by the former paying cash and by the latter receiving cash of the amount specified in the published tariffs."

This decision was accompanied by another of the same court in the case of Chicago, Indianapolis and Louisville Rwy. Co. v. United States, in which it was held that the acceptance of advertising by a carrier in lieu of money in payment of interstate transportation furnished to a publisher, his employees and the immediate members of his and their families violates the terms of the Interstate Commerce Acts of Congress prohibiting the furnishing of interstate transportation for a less or different compensation than that specified in the carrier's published rates. The collusion, inequality and injustice in the matter of rates to which any other conclusions than those reached in these decisions would be likely to lead are too obvious, it seems to me, for discussion.

The question submitted to me, therefore, resolves itself simply into this:

Is such a form of contract as that laid before the Commission by Mr. Williams excepted from the scope of the earlier provisions of Section 16 of our Act, prohibiting rate discriminations, by the later statement in the same section in relation to the transportation of persons or property as incident to or connected with contracts for construction, operation or maintenance?

I think not. Even if the words "contracts for construction, operation or maintenance" stood alone, a contract to set up

cards advertising excursion trips of a common carrier would hardly seem to be a contract for any one of these purposes. But the inapplicability of such language to such an advertising contract as the one in question is, in my judgment, very much confirmed by the succeeding words in the statute, "and to the extent only that such free transportation is provided for in the contract for such *work*." Neither in respect to construction, operation or maintenance, as related to common carriers, could, it seems to me, the act of posting an advertising card be termed "work" in this sense. But I push my view of the case further. The provision, in my judgment, for a still more searching reason does not include such a case as the present at all, but only applies to a case in which not only is the extent of the free transportation covered by the terms of the contract for the work, but in which the free transportation is to be enjoyed for the purposes of the work. Such a case, for illustration, is a case in which the free transportation is allowed by a railroad company to a construction company engaged in building its road, for the purposes of the particular work of construction, or to a contractor engaged in making extensive repairs to the roadbed of such a railroad for the purposes of the particular repairs. No invidious discrimination is operated by the allowance of free transportation in such cases, not merely because of the self-limited nature of the privilege under such circumstances, but because if free transportation was not allowed in such cases the cost of transportation connected with such "work" would simply be added to the contract price by the contractor.

To enable a patron of Mr. Williams' company to set up an advertising placard on his own premises, no transportation, of course, free or otherwise, is necessary at all.

In my opinion, therefore, such an agreement as that contemplated by the form of contract submitted to the Commission by Mr. Williams would be wholly illegal and invalid.

W. CABELL BRUCE,
General Counsel.

(64)

In the matter of
Inquiry of HENRY EDWARD WARNER, Sec-
retary, as to Free Transportation of } May 27, 1911.
Visiting Bodies Over the Lines of the
United Railways and Electric Company.

MR. HENRY EDWARD WARNER,

Executive Secretary, West Baltimore

Visiting Day Committee, Baltimore, Md.

DEAR SIR:

I am in receipt of your letter of the 26th inst. All of the members of the Public Service Commission, with the exception of Mr. James M. Ambler, chairman, are absent from the city today.

With the approval of Mr. Ambler, however, and subject to confirmation by the Commission as a whole when the absent members return on Monday, I write to say that, in my judgment, the case which you present to me falls within the proviso of Section 16 of the Public Service Commission Act, which provides that the prohibitions in that section against free transportation shall not apply to the carriage free of persons for the State government.

If free transportation for the officers and guests of the German man-of-war "Bremen," in relation to the reception proposed to be given to them by the State military organizations which you mention, is requested by the State government, I see no legal objection to its being granted by the United Railways and Electric Company.

W. CABELL BRUCE,
General Counsel.

(65)

<p>In the matter of</p> <p>GEORGE C. BRAUER</p> <p>vs.</p> <p>THE UNITED RAILWAYS AND ELECTRIC COM- PANY OF BALTIMORE.</p> <hr/> <p>Condition of Baltimore Street Between Pulaski Street and Garrison Lane in Baltimore City.</p> <hr/> <p>Jurisdiction of Commission.</p>	}	<p>June 7, 1911.</p>
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To the Public Service Commission of Maryland:

I hereby acknowledge receipt of communication of the 1st inst., enclosing copy of a letter dated the 30th ult. from Mr. George C. Brauer, to the Commission, asking it to institute an investigation into the existing condition of the pavement on Baltimore street, between Pulaski street and Garrison lane.

I will assume that the writer refers only to the condition of the pavement between the tracks of the United Railways and Electric Company and for a space of two feet on either side of the tracks. It is the duty of the street railway, as the successor of the Baltimore City Passenger Railway Company, to keep the street covered by its tracks over this stretch of distance and the space of two feet on the outer limits of either side of said tracks, in thorough repair at its own expense.

Ordinance of Mayor and City Council of Baltimore,
approved March 28, 1859.
Act of 1862, Chapter 71.

This being so, I am of the opinion that the grievance of which Mr. Brauer complains does fall within the jurisdiction of the Commission under the provisions of the Act relating to the ade-

quacy, security and accommodation afforded by the service of common carriers, and other kindred matters.

Sec. 13, p. 22; Sec. 20, p. 30; Sec. 22, p. 32; Sec. 23, p. 33.

Section 13, page 22, confers upon the Commission supervision over all railroads with respect, among other matters, "to their compliance with all provisions of law and orders of the Commission."

Section 20, page 30, repeats this power and adds the words "and charter requirements." These added words are of special significance in the present case, because the obligations as to street repairs imposed by Ordinance No. 44, approved March 28, 1859, are likewise found in the charter of the Baltimore City Passenger Railway Company, conferred upon it by the Act of 1862, Chapter 71.

Section 22, page 32, of our Act requires the Commission to make inquiry in regard to any act or omission of any railroad company "in violation of any provision of law or in violation of any order of the Commission." The same section further provides for the filing of complaints with the Commission relating to acts or omissions of railroad companies "in violation of any provision of law or the terms and conditions of its franchises or charter."

Section 23, page 33, provides for hearings in case the "practices" of railroad companies are, among other things, "unsafe, unreasonably improper or inadequate."

See also Section 23, page 34, with reference to repairs or improvements to or changes in tracks, etc.

In my judgment, as I have already indicated, these provisions of our Act are sufficient to warrant an investigation by the Commission into the circumstances surrounding the complaint of Mr. Brauer. I think, however, that the Commission should not exercise its power in the premises unless the City Engineer, after his attention has been called to the situation, declines or fails to perform his duty.

W. CABELL BRUCE,
General Counsel.

(66)

In the matter of the
STREETT AND CORKRAN COMPANY

vs.

THE CHESAPEAKE AND POTOMAC TELE-
PHONE COMPANY.

June 12, 1911.

Unlimited Grounded Circuit Telephones.

To the Public Service Commission of Maryland:

I reply to communication of the 2d inst., enclosing me a copy of a letter from the Streett and Corkran Company to the Commission, dated the 1st inst., in which that company asks whether the Chesapeake and Potomac Telephone Company is obliged to provide it with an unlimited grounded circuit service telephone at its office, in the Union Abattoir Building, in Baltimore County.

The Act of 1892, Chapter 387, prohibited a higher rate than \$6.50 per month for one grounded circuit service telephone rented by a patron of the telephone company within a radius of two miles from the central exchange, and an additional rate of \$1 per month for every additional mile of distance from the central exchange, or, where two or more telephones were rented by the same patron of the telephone company and were located within a radius of two miles from the central exchange, a higher rate than \$5.50 per month for each telephone rented and an additional rate of \$1 per month for every additional mile of distance from the central exchange.

It is a matter of common knowledge that the grounded circuit telephone proved in some respects to be such a crude and inefficient agency that a large number of citizens in Baltimore city became desirous of securing the more efficient metallic circuit service, even if they had to pay a higher rate therefor than the rates prescribed by the Act of 1892. The result was that on the application of the Chesapeake and Potomac Telephone Com-

pany to the General Assembly, supported by many of these citizens, the Act of 1894, Chapter 207, was passed, by which it was enacted that any person might contract for such special form, description and amount of telephone equipment and service expressed in the contract as such person might need, at such rates and upon such terms and conditions as might be agreed upon between the contracting parties.

Pursuant to the authority conferred by this Act, the Chesapeake and Potomac Telephone Company has been installing in many instances the more efficient and costly metallic circuit telephone service, and has been receiving for it a higher rate than that prescribed by law for the grounded circuit service.

By the Act of 1894, however, the right of any person to have installed on his premises a grounded circuit telephone instead of the metallic circuit telephone at the rates fixed by the Act of 1892, was sedulously preserved. The obligation of the telephone company to furnish in accordance with the Act of 1892 and at the rates mentioned in that Act, the grounded circuit service, was reaffirmed and provision was made for the filing in the office of the Clerk of the Court of Appeals of a full and adequate description in detail of the telephone apparatus characteristic of this form of telephone service, so that there would be no room for disputing the right of the citizen when he contracted for a grounded circuit telephone to be furnished with the telephone equipment made up of all the mechanical elements essential to the efficient operation of this type of telephone.

The Act of 1892 will be found codified in Sections 333 to 337 of Article 23 of the Maryland Code of Public General Laws, and the Act of 1894 in Section 338 of the same Article. Such was the state of the law when the Public Service Commission Act was approved on April 5, 1910. By Section 31½ of that Act, it is provided as follows:

“All acts or parts of acts heretofore passed and now existing, prescribing or limiting the price at which any gas corporation or electrical corporation, or any other corporation subject to this Act, may furnish, sell or dispose of its gas or electricity, or other product or utility, are hereby repealed, it being the in-

tent of this Act that the powers of the Commission herein created to ascertain the price of such gas or electricity, or other product or utility, as provided for herein, shall supersede all such acts or parts of acts as aforesaid."

These provisions are associated with the special provisions of the Act which relates to gas and electrical corporations. By a subsequent section of the Act, Section 40, which forms part of the special provisions of the Act, headed Telephone and Telegraph Companies, it is provided as follows:

"That all rates, tolls and charges used, made or demanded by any such telegraph company or telephone company for any telegraphic or telephonic communication or service shall be just and reasonable, and not more than allowed by law or by order of the Commission and made as authorized by this Act."

The effect of these provisions, in my opinion, is to vest the Commission with the power of fixing the maximum rates for the use of all kinds of telephone equipments and services, to abolish the specific rates prescribed by the Act of 1892 for the grounded circuit service, and to supersede, whenever the powers of the Commission over rates are exercised, the right of telephone companies and their patrons to contract with each other for a special form, description and amount of telephone equipment and service at such rates as may be stipulated between the contracting parties.

I am also further of the opinion that along with the special rates prescribed by the Act of 1892 in relation to the grounded circuit telephone service, have also gone all the provisions of that Act and of the Act of 1894 imposing upon such a telephone company as the Chesapeake and Potomac Telephone Company the obligation to furnish to any citizen, at his request, the grounded circuit service.

In my judgment, the rates fixed by the Act of 1892 for this form of telephone equipment and service and the other provisions of that Act and of the Act of 1894 bearing upon it, are

so intimately allied and interwoven that the repeal of the rates for the grounded circuit service necessarily operated a repeal of the grounded circuit service itself so far as provided for by law. The only reason, I apprehend, why the right of a subscriber to this form of telephone service was preserved in the Act of 1894 was because the rate that a telephone company could charge for it was by that Act restricted in express terms to a specific and limited sum. Now that this pecuniary limitation has been swept away and full authority has been given to the Public Service Commission to pass upon all questions touching the adequacy of telephonic service and the exorbitance of telephonic rates, the provisions in the Acts of 1892 and 1894 other than the provisions as to rates relating to grounded circuit telephones, have ceased to have any such significance as it would be necessary for them to have to support the conclusion that they were intended when the Public Service Commission Act was enacted, to remain unaffected by that Act.

It is my belief, therefore, that the Chesapeake and Potomac Telephone Company is under no obligation at the present time to install an unlimited grounded circuit service telephone at the office of the Streett and Corkran Company, in the Union Abattoir Building.

W. CABELL BRUCE,
General Counsel.

(67)

In the matter of
THE UNITED RAILWAYS AND ELECTRIC COM-
PANY OF BALTIMORE.

Commutation Tickets.

June 12, 1911.

Question of Legal Right to Issue on Some
Suburban Lines Without Provision for
Application to All Such Lines.

To the Public Service Commission of Maryland:

I reply to letter of the 3rd inst. enclosing me a form of commutation ticket for the United Railways and Electric Company, and asking me whether there would be any legal objection to this form in case the company were willing to adopt it and whether it would be lawful for such tickets to be issued on some suburban lines without provision for the issuance of similar tickets on all of the lines of the company running out of the city.

The right of common carriers to issue commutation passenger tickets is expressly recognized by Section 16, page 26 of the Public Service Commission Act. There is no question, in my opinion, that such tickets, if available to purchasers generally, can lawfully be issued for travel to and from established suburban communities in the vicinity of Baltimore City; to be good on the city-wards trip only if presented within the limits of such communities. In my opinion, tickets of this character would not involve an undue discrimination as against residents on the same line who reside at points further from or nearer to the city than the communities in which said tickets must be presented to be honored, or as against residents of another community on another suburban line of the railway company; provided that the conditions in point of population, etc., in the communities where the tickets must be presented, to be hon-

ored, are substantially different from the conditions prevailing in the localities on the same line nearer to or further from the city or in the locality of another suburban line of the railway company.

Whether this dissimilarity in conditions exists in a particular case is, of course, a question of fact to be determined by the Commission. If there are established communities at Wayne Avenue and Woodlawn distinguished by conditions of population, etc., substantially unlike those obtaining at points nearer to or further from the city on that line or on other suburban lines of the railway company, tickets in the form proposed could, in my opinion, be legally issued by the street railway company exclusively applicable to the Wayne Avenue and Woodlawn communities. I will say, however, that it seems to me that the wording of the form is not as clear and correct as it might be.

In answer to your second inquiry, let me say that in my opinion, the issue of such tickets on some suburban lines without provision for their issuance on others where substantially similar conditions prevail, would constitute an undue discrimination in favor of one locality or of one set of persons as against another locality or another set of persons.

W. CABELL BRUCE,
General Counsel.

(68)

In the matter of the Complaint of
THE BROOKLYN IMPROVEMENT ASSOCIATION

vs.

THE BROOKLYN AND CURTIS BAY LIGHT
AND WATER COMPANY.

June 16, 1911.

Obligation of the Company to Extend Its
Mains.

To the Public Service Commission of Maryland:

I reply to letter of the 8th inst., transmitting to me a copy of a letter dated the 6th inst., from Mr. J. Oliver Johnson, of the Brooklyn Improvement Association, to the Commission, in which he asks how far the Brooklyn and Curtis Bay Light and Water Company of Anne Arundel County is under a legal obligation to extend its mains so as to supply the village of Brooklyn, in Anne Arundel County, with water.

The letter states that the improvement Association was informed by the agent of the Water Company that he did not care to take up the matter of the extension with his company unless it could be shown that the service would be accepted and placed in at least two hundred houses in Brooklyn, and that if this number was signed for he would hand the petition to the Board of Directors. The letter further states that the Improvement Association did secure two hundred and twelve houses where water would be welcomed, and that the petition has been placed before the Board of Directors, but that the Water Company has not granted the petition and that the Improvement Association has not received anything that would lead it to believe that the same will be granted. I quote the language itself of the letter.

The exact limits by which that class of public service corporations known as water companies can be required to furnish water to the citizen, do not seem to have been very precisely defined by the decisions.

In *Bothwell vs. Consumer's Company*, 13 Idaho, 568, the court said that such a company as a water company, with a special franchise to supply a given commodity, is "under a public duty to supply water to all living within the franchise limits on payment of the rental rates. It owes this duty to everyone so long as it has water to sell, whether he be on its main or at a great distance therefrom." This case would certainly appear to take an extreme view of the duty of a water company. It is clear that all premises situated within the network of the existing mains of a water company and within convenient connecting distance of its lines, should be served.

In other words, the water company is at least obliged to supply with water the well settled central territory within which service is plainly demanded, whether mains have been laid in all of the streets in the territory or not, but how far existing water mains are to be gradually extended beyond the limits of such a territory as the growth of population in the community which the corporation has undertaken to serve demands an extension is a question not altogether settled.

My own opinion is that, if when due regard is paid to all the circumstances of the case, a water company can be reasonably required to make such an extension, it can be lawfully required by the Commission to make it. There should exist a reasonable expectation on the part of the public service corporation that the consumption of its product will be sufficient to warrant the necessary preliminary expenditure.

Pub. Service Corporation vs. American Lighting Company, 67 N. J., Eq. 131.

By the terms of its charter, the Brooklyn and Curtis Bay Light and Water Company of Anne Arundel County is formed, among other things, for the purpose of supplying water for drinking or other purposes to the dwellings, stores, shops and manufacturing establishments in Brooklyn and South Baltimore in Anne Arundel County. Brooklyn, therefore, is expressly made a part of its franchise territory. The letter of Mr. J. Oliver Johnson shows, moreover, that in Brooklyn the owners of two hundred and twelve houses are ready to take and pay

for water from the Water Company as soon as it has extended its system to these houses. According to the letter of Mr. Johnson, as we have seen, the number of these houses exceeds by twelve the number which the agent of the Water Company computed to be sufficient to warrant the Water Company in believing that its system should be profitably extended to Brooklyn.

It seems to me, therefore, that *prima facie* the case is one in which a complaint could be properly filed with the Commission, asking it to require the extension of the water system of the company to Brooklyn. Whether the relief would be granted by the Commission or not would depend, I apprehend, upon the extent to which the complainant or complainants was successful in demonstrating by testimony that under all the circumstances of the case to require the Water Company to supply water to the inhabitants of Brooklyn would be to impose upon it a reasonable obligation not incommensurate with the extent of the service that it professes.

W. CABELL BRUCE,
General Counsel.

(69)

In the matter of the
CRISFIELD LIGHT AND POWER COMPANY.

Issue of Bonds.

Permission and Approval of Commission
to Foreign Corporations.

} June 26, 1911.

To the Public Service Commission of Maryland:

I reply to communication of the 16th inst., transmitting to me a copy of a letter from the Delaware Corporation Company, at Wilmington, Del., to the Hon. N. Winslow Williams, Secre-

tary of State, dated the 14th inst., asking whether the approval of the Commission is required in the case of an issue of bonds proposed to be made by the Crisfield Light and Power Company, a corporation of the State of Delaware.

The approval of the Commission is not necessary in the case of an issue of securities by a foreign corporation, but by Section 33 of the Public Service Commission Act, gas and electrical corporations, whether incorporated under the laws of this or of any other State, are prohibited from beginning construction or exercising any right or privilege under any franchise granted after the passage of the Act, or under any franchise granted before the passage of the Act, but not theretofore actually exercised, without first having obtained the permission and approval of the Commission, and I beg leave to remind the Commission that its policy, so far as a fixed policy on its part has been developed, has been not to authorize foreign gas and electrical corporations to begin construction and to exercise franchises in this State. (See my letter to Senator Marion V. Brewington of July 8th, 1910, Envelope No. 13.) This policy accords with the policy announced by the Public Service Commission for the Second District of New York, in its first annual report, page 18. It may be, however, that the franchises of the Crisfield Light and Power Company were granted and actually exercised before the passage of the Public Service Commission Act, in which case, under the terms of Section 33 of that Act, the approval of the Commission would not be necessary.

W. CABELL BRUCE,
General Counsel.

(70)

In the matter of	}	July 6, 1911.
THE WEST VIRGINIA AND MARYLAND GAS COMPANY.		

Permission and Approval of Extensions by the Commission.		

To the Public Service Commission of Maryland:

I reply to letter of the 20th ultimo forwarding to me a copy of a letter from Mr. John B. Richards, attorney at law, Buffalo, N. Y., dated the 27th ultimo.

The two extensions of the plant of the West Virginia and Maryland Gas Company mentioned by Mr. Richards would seem to be projected upon quite a considerable scale of magnitude and importance, and involve the use of public highways which can be used for the purpose of the extensions only with the consent of the local municipal authorities or of the National Government.

The extensions in question can hardly, in my opinion, be deemed mere extensions in the ordinary sense if that consideration be one of legal significance in the contemplation of Section 33 of the Public Service Commission Act. They are more closely akin to the nature of original or independent undertakings.

From any point of view, therefore, I cannot see that they do not fall within the purview of the provisions of Section 33, which declare that no gas corporation of this or any other State shall begin construction or exercise any right or privilege under any franchise such as is mentioned in that section without first having obtained the permission and approval of the Commission.

W. CABELL BRUCE,
General Counsel.

(71)

In the matter of
THE UNION TELEPHONE COMPANY.

Stock Issued Since Effective Date of Public Service Commission Law, Without Authority of Commission. — How to Correct Irregularity of Issue.

July 11, 1911.

To the Public Service Commission of Maryland:

I reply to letter of the 10th inst., referring to me a copy of a letter from the Union Telephone Company to the Commission, dated the 6th inst., and asking for my advice as to the best method of correcting the irregularity in the issuance of the stock mentioned in the letter of the Union Telephone Company.

The stock appears to have been issued in good faith and for objects allowed by the Public Service Commission Law. The infirmity in the issue originates solely in the failure of the corporation to obtain the assent of the Commission to the issue.

My advice is that the company be instructed to file a petition with the Commission setting forth all the material circumstances under which the stock was issued, and asking the Commission to ratify in every respect what has been done.

I would further advise that the communication of the Commission conveying the above suggestion to the company be accompanied by a reference to Rule 8 of the Rules of the Commission.

W. CABELL BRUCE,
General Counsel.

(72)

In the matter of
Municipal Corporation Owning and Con-
trolling a System of Water Works and
Supplying Water to Residents of a
Municipality in Maryland. } July 21, 1911.

Jurisdiction of the Commission.

To the Public Service Commission of Maryland:

I reply to communication of the 14th inst., forwarding to me on behalf of the Commission, a copy of a letter dated the 13th inst., from Mr. Robert N. Williams to the Commission, in which he asks the Commission to advise him whether it has jurisdiction over a municipal corporation owning and controlling a system of water works and supplying water to residents of a municipality in this State.

Concretely, the question submitted by the writer is whether the Mayor and City Council of Laurel, Maryland, can be compelled by the Commission to extend its water system so as to furnish water for fire protection and ordinary domestic purposes to Mrs. J. W. Williams, a resident of Laurel.

The water system of Laurel originated in the Acts of 1900, chapter 169, which authorized the town to issue \$35,000 of bonds for the construction and maintenance of water works capable of furnishing the residents of the town with a good and sufficient supply of water for ordinary purposes and for fire protection. The Act created a Water Board to do the work and maintain the system and to fix the water rates; the income thence derived to be applied to expenses, maintenance, interest and sinking fund charges. Provision was also made for the levy of a proper tax.

I am clearly of the opinion that the Public Service Commission has no jurisdiction to entertain or redress this grievance. None of the provisions of the Public Service Commission Act re-

lating to water companies embrace a municipal corporation owning and administering a water system.

Not Section 1 (page 8), which defines the term water company as including every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, managing or controlling any plant or property, dam or water supply, canal, or power station, distributing or selling for distribution, or selling or supplying for gain any water. It is obvious that this language is inapplicable to a municipal corporation engaged in furnishing water to its own citizens in the exercise of its municipal functions.

Not Section 3, Sub-division 7 (page 13), which brings under the jurisdiction of the Commission all water companies, and the land, property, dams, water supplies, canals or power stations thereof and the operation of the same within this State, because neither is the language of this section any more applicable than the language of Section 1, to a municipal corporation engaged in furnishing water to its own citizens in the exercise of its municipal functions.

The only reference in the Public Service Commission Act to municipal ownership of any public utilities is found in connection with the provision in Section 33 (page 47), that no municipality except the Mayor and City Council of Baltimore, shall build, maintain and operate for other than municipal purposes any works or systems for the manufacture and supplying of gas or electricity for lighting purposes without a certificate of authority granted by the Commission.

Even if we assume that this language is by virtue of the terms of adoption contained in Section 42 of the Act made applicable to water companies, the application would be only to water works conducted by municipal corporations other than the City of Baltimore for non-municipal purposes.

As we have seen, the water system of the town of Laurel was by Chapter 160 of the Acts of 1900, expressly authorized for the purpose of furnishing the residents of the town with a good and sufficient supply of water for fire protection and ordinary domestic purposes. Such terms, in my opinion, plainly import

an office to be exercised by the town of Laurel as a part of its municipal duty to its own citizens.

I respectfully suggest, therefore, that Mr. Williams be informed that the case presented by his letter is one over which the Commission, for the reasons that I have stated, has no jurisdiction.

W. CABELL BRUCE,
General Counsel.

(73)

<p>In the matter of</p> <p>Limitation of time for Filing Claims for Loss, Damage and Overcharges on Business Moving Between Points in Maryland.</p>	}	<p>July 25, 1911.</p>
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To the Public Service Commission of Maryland:

Referring to the letter from the DeBower-Chapline Company to the Commission, dated the 18th inst., I beg leave to say that there is no special statute in force in this State prescribing a period of limitation for filing claims for loss, damage and overcharges on business moving between points in this State.

The only statute of limitations applicable to such claims is our general statute of limitations, codified in Article 57, title "Limitation of Actions," in the Maryland Code of Public General Laws.

Section 1 of this Article provides, among other things, that all actions of account, actions of assumpsit, or on the case, actions of debt on simple contract, detinue or replevin, all actions for trespass for injuries to real or personal property, shall be commenced, sued or issued within three years from the time the cause for action accrued.

Section 1, however, contains a proviso that it is not to apply to such accounts as concern trade or merchandise between

merchant and merchant, their factors and servants, who are not residents within this State.

W. CABELL BRUCE,
General Counsel.

(74)

In the matter of	}	August 3, 1911.
Companies Supplying Water in Bottles or		
Other Receptacles for Gain, but Not		
Owning or Operating Water Works or		
Distributing System.		
<hr/>		
Jurisdiction of Commission.		

To the Public Service Commission of Maryland:

I reply to communication of the 26th ultimo, in which you ask me whether companies supplying water in bottles or other receptacles, for gain, but not owning or operating any water works or distributing system, fall under the jurisdiction of the Commission.

Section 1, page 8, of the Public Service Commission law, declares that the term "water company" when used in the law "includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, managing or controlling any plant or property, dam or water supply, canal or power station, distributing or selling for distribution or selling or supplying for gain any water."

Another portion of the Public Service Commission law which bears upon your inquiry is Section 3, sub-division 7, page 13, which provides that the jurisdiction of the Commission shall extend to "all water companies and to the land, property, dams, water supplies, canals or power stations thereof and the oper-

ations of the same within this State." These provisions of the Public Service Commission law, in my judgment, should be construed as limiting the application of the law to such water companies only as both own, operate, manage or control some water plant or source of water supply, and distribute or sell for distribution, or sell or supply for gain, the water therefrom. A company which merely operates, manages or controls a water plant or source of water supply, is not a water company within the meaning of the law, nor is a company which merely distributes or sells for distribution or sells or supplies for gain any water. The characters of these two separate classes of corporations must be found blended in a company to make it a water company amenable to the jurisdiction of the Commission.

I reach the conclusion that I do the less hesitatingly because, as I understand it, the public is only to a very limited degree dependent upon the use of water in bottles or other receptacles supplied to it by companies which do not own or operate any water works or distributing system.

W. CABELL BRUCE,
General Counsel.

(75)

In the matter of
THE HAGERSTOWN LIGHT AND HEAT COM-
PANY.

Special Rates for Gas to Employees.

} Sept. 14, 1911.

To the Public Service Commission of Maryland:

I hereby acknowledge the receipt of communication of the 8th inst., asking me to advise the Commission whether or not it is lawful for the Hagerstown Light and Heat Company to furnish gas to its employees at rates below those charged to other consumers.

Section 16 of the Public Service Commission law authorizes common carriers to give free transportation to their own employees, and it may be that the adoptive provisions of the law relating to telephone and telegraph companies (Section 41) and to water companies and refrigerating and heating companies (Section 42), which refer back to the preceding provisions of the law, including Section 16, warrant these last-named companies in allowing reduced rates for their respective services or products to their own employees; but there is no such adoptive clause in the law relating to gas or electric companies. The consequence is that the privileges and obligations of these companies are to be found only in the sections of the law peculiar to them, and in these sections there are not only no adoptive clauses, but no clauses conferring upon gas and electric companies express power to supply illumination free or at reduced rates to their own employees. I have assumed, as I believe that I can properly do, that a public service corporation empowered to render a service or to supply a product to its employees free, is empowered to do so at reduced rates.

Nor can authority upon the part of the Hagerstown Light and Heat Company to supply gas at reduced rates to its employees be deduced from any authority possessed by it as a heating company. It has no such authority, though the word "heat" appears in its corporate name. It was incorporated under the general law on April 29th, 1891, with the right to manufacture gas and electricity for illuminating and power purposes, and also to manufacture gas for fuel. Subsequently, its charter was amended so as to leave the company only the powers of a gas light company (Article 23 of the Maryland General Code of 1904, Section 142). On the day of its incorporation the company took over all the property and franchises of the Hagerstown Gas Light Company, which had been incorporated under the general law on September 4, 1854, but under its charter the Hagerstown Gas Light Company had no power except that of manufacturing gas to illuminate the streets of Hagerstown. It follows, of course, that from the deed of transfer the grantee, the Hagerstown Light and Heat Company, could derive no greater powers than the Hagerstown Gas Light Company itself had.

There is no source, therefore, in my judgment, from which the Hagerstown Light and Heat Company can derive the right to supply gas to its employees at reduced rates. On the contrary, it is subject to the full force of the provisions of Section 31½ of the Public Service Commission law, which prohibit any gas company from charging any person a greater or less compensation than it charges any other person for a like service under substantially similar conditions. Manifestly, the conditions under which gas is furnished to the company's own employees and the conditions under which it is furnished to other consumers are wholly similar. This being so, the prohibition is clearly applicable to the company's own employees as to other consumers. My advice, therefore, to the Commission is to notify the Hagerstown Light and Heat Company that it cannot lawfully furnish gas to its employees at rates below those charged to other consumers.

W. CABELL BRUCE,
General Counsel.

(76)

In the matter of the Complaint of

H. C. WILLIS, ET AL.,

vs.

THE PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD COMPANY,

Sept. 19, 1911.

As to the Legal Obligation of the Railroad Company to Reconstruct and Operate Branch Road from Worton, Md., to Nicholson, Md.

To the Public Service Commission of Maryland:

I hereby acknowledge the receipt of communication of August 8th, 1911, transmitting to me a copy of a resolution of

the Commission directing you to refer the papers in the case of H. C. Willis, et al., vs. The Philadelphia, Baltimore and Washington Railroad Company, Docket No. 135, to me for my opinion as to the legal obligation of the railroad company to reconstruct and operate the branch road from Worton, Maryland, to Nicholson, Maryland, designated as the "Nicholson Branch," in the lease dated the 24th day of February, 1910, from the Delaware Railroad Company to the Philadelphia, Baltimore and Washington Railroad Company.

The testimony taken in the case shows that the right of way of the "Nicholson Branch" is in an utterly dismantled and inoperable condition. It does not seem, however, to have been abandoned in a legal sense. In the lease just referred to from the Delaware Railroad Company to the Philadelphia, Baltimore and Washington Railroad Company, which, as I have stated, bears date as recently as the 24th day of February, 1910, is included among other railroads of the lessor demised thereby, a railroad from Massey, Maryland, to a point south of Chestertown, Maryland, known as Chestertown Branch, "together," the lease adds, "with a branch therefrom generally known as "Nicholson Branch," extending from Worton to Nicholson, both points being in said State of Maryland, a distance of three and seventy-three hundredths (3.73) miles." As late, therefore, as the 24th day of February, 1910, the lessor and the lessee in this case, the one by demising the "Nicholson Branch" and the other by accepting the demise, recognized and dealt with the "Nicholson Branch" as a subsisting railroad asset and property.

Acts relied on to effect the abandonment of a right of way must be of a decisive character and whether they amount to an abandonment or not depends upon the intention with which they were done.

Vogler v. Geiss, 51 Md. 410.

Canton Co. v. B. & O. R. R. Co., 99 Md. 202.

The question as to whether there has been an abandonment or not is usually one of fact, to be determined by the circumstances in each case; and a mere non-user for a long time less

than the period prescribed in the statute of limitations, as in one case thirteen years, is not sufficient to establish an abandonment.

2 Wood on Railroads, Sec. 242 (Ed. 1894) cited in Canton Co. v. B. & O. R. R. Co., *supra*.

If, therefore, the Public Service Commission believes that under the circumstances of the case, the Philadelphia, Baltimore and Washington Railroad Company can reasonably be required to rehabilitate the Nicholson Branch, and to operate it to such an extent as the conditions warrant, in the judgment of the Commission, the Commission, in my opinion, does not lack the legal authority to carry its conclusions into execution.

Not to speak of other sections of the Public Service Commission Law, Sec. 23, p. 34, declares that if in the judgment of the Commission, repairs or improvements to any tracks, switches, terminals or terminal facilities, stations, motive power, or any other property, construction, apparatus, equipments, facilities or device used by any railroad corporation in or in connection with the transportation of passengers, freight or property, ought reasonably to be made in order to promote the security or convenience of the public or employees, or in order to secure adequate service or facilities for the transportation of passengers, freight or property, the Commission shall, after hearing, either on its own motion or after complaint, make and serve an order directing such repairs or improvements to be made within a reasonable time and in a manner to be specified therein.

This language, in my judgment, is applicable to the Philadelphia, Baltimore and Washington Railroad Company, though its relation to the Nicholson Branch is only that of a lessee. By Sec. 1 of the Public Service Commission Law, it is declared that the term railroad corporation when used in the Act, shall include every corporation, company, etc., their lessees, etc., owning, operating, managing or controlling any railroad.

By Sec. 3 of the law, it is provided that the jurisdiction, supervision, powers and duties of the Public Service Commission shall extend under the law, among other things, to rail-

roads lying within this State and to the persons or corporations owning, leasing, operating or controlling the same.

It is competent for the Legislature to transfer all or any liability to the lessees.

Abbott v. Johnstown, etc., Horse R. R. Co., 80 N. Y. 31.

Even, however, if the Public Service Commission Law did not contain these provisions, the same consequence, in my opinion, would follow: Not only did the Delaware Railroad Company by its lease to the Philadelphia, Baltimore and Washington Railroad demise to the latter company for the term of ninety-nine years and four months and thereafter from year to year until the lease was terminated by written notice given by either party, all the railroads of the lessor with their appurtenances, but also all the corporate rights, franchises and privileges of the lessor necessary to be enjoyed and exercised by the lessee, for the proper maintenance, use, operation and management of the railroads and property demised. Indeed, nothing was withheld from the transfer effected by the lease except the franchise of the lessor to be a corporation and such other rights, privileges or franchises as were or might be necessary to fully preserve the corporate existence or organization of the lessor and of its franchises to be a corporation.

It is also observable that under the terms of the lease, Article 3, p. 7, it is covenanted that the lessee shall and will, at its own proper cost and expense, at all times during the continuance of the lease, manage and operate the railroads and property thereby demised, in the same manner as the lessor, as the owner thereof, was then, or should and might at any time thereafter be required by law to do; and that the lessee shall and will, at its own proper cost and expense, at all times during the continuance of the lease, maintain, preserve and keep the railroad and premises thereby demised and every part of the same in thorough repair, working order and condition. Such language as this is sufficient, in my judgment, independently of any provisions of the Public Service Commission Law, to impose upon

the lessee the duty which a railroad corporation owes to the public of operating its road.

Elliott on Railroads, Sec. 458 and authorities there cited.

W. CABELL BRUCE,
General Counsel.

(77)

<p>In the matter of</p> <p>Municipal, Gas and Electric Plants in</p> <p>Maryland.</p> <hr style="width: 10%; margin: 10px auto;"/> <p>Jurisdiction of Commission.</p>	}	<p>October 4, 1911.</p>
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To the Public Service Commission of Maryland:

I acknowledge the receipt of communication of the 27th ult., transmitting to me a copy of a letter of the same date to the Commission from Mr. Charles E. Phelps, Jr., Chief Engineer of the Commission, asking the Commission to advise him whether municipal plants in this State engaged in the business of supplying gas or electricity for other than municipal purposes are subject to regulation by the Commission in the same manner as gas and electric plants owned by individuals and private corporations are.

Literally construed, the language of the Public Service Commission law would seem to be broad enough to include municipal corporations in this State which have entered upon the business in question.

See Section 1, paragraphs defining the terms "Gas Corporations" and "Electrical Corporations," respectively, and Section 3, paragraph 5.

But not to go any further, the context of Sections 31½ to 39, which have special application to "gas and electrical corporations," indicates that these terms were intended to comprehend only private business corporations engaged in the business of supplying gas or electricity. Section 33 provides that no gas corporation or electrical corporation incorporated under the laws of Maryland, or of any other State, shall begin construction or exercise any right or privilege under any franchise thereafter granted or under any franchise theretofore granted, but not theretofore actually exercised, without first having obtained the permission and approval of the Commission. Then almost immediately follows the clause in the same section providing that no municipality except the Mayor and City Council of Baltimore shall build, maintain and operate for other than municipal purposes any works or system for the manufacture and supplying of gas or electricity for lighting purposes without a certificate of authority granted by the Commission. It is manifest, it seems to me, that special provision is made for this certificate in the case of municipalities because municipal corporations were not intended to be included in the previous provisions just cited of the same section relating to gas corporations and electrical corporations.

Again, Section 31½, page 43, provides that nothing in "this chapter" shall be taken to prohibit a gas or an electrical corporation from establishing a sliding scale for the automatic adjustment of charges for gas or electricity, and the dividends to be paid the stockholders of such gas corporation or electrical corporation. The inapplicability of these words, so far as they speak of dividends and stockholders to municipal corporations, is obvious. Again, Section 31¾, page 45, empowers the Commission to require every person and corporation under its supervision to submit to it an annual report, verified by the oath of the president, treasurer or general manager thereof, showing in detail (1) the amount of its authorized capital stock and the amount thereof issued and outstanding, etc. It is plain that this wording, too, is foreign to the nature and organized characteristics of municipal corporations. I forbear to further multiply illustrations based upon the phraseology of the Act. If the Legislature had seen fit to do so, it could, I think, have

subjected municipal corporations in all respects to the same degree of authority on the part of the Commission, so far as public utility enterprises of such corporations are concerned, as that to which it has subjected ordinary gas and electrical corporations. It can hardly be denied, however, that in no view of the case could a construction of the Public Service Commission law conferring such an authority upon a body politic to which the Legislature has delegated a large share of its powers, be properly adopted except in a perfectly clear case. Restrictions upon the exercise of municipal functions by municipal corporations clothed with a part of the sovereignty of the State, which are supposed to derive their force from an administrative body like the Public Service Commission, are not to be lightly acknowledged. But as has been seen, it is not necessary, in my judgment, to resort to such considerations in this case. The words of the Act itself sufficiently show that it was no part of the design of its makers to bring gas and electrical plants conducted by municipalities under its general control.

W. CABELL BRUCE,
General Counsel.

(78)

In the matter of the Complaints of
JAMES H. PRESTON, MAYOR OF BALTIMORE,
vs.

THE CONSOLIDATED GAS ELECTRIC LIGHT
AND POWER COMPANY.

(Electric Current and Gas Rates).

October 16, 1911.

Inquiry of the Chief Engineer of Commission as to the Effect of the Consolidated Gas Company Case (212 U. S. 19).

To the Public Service Commission of Maryland:

Referring to communication of the 27th ultimo, transmitting to me a copy of a letter dated September 26th, 1911, from the

Chief Engineer of the Commission to it, in which the Chief Engineer asks for my opinion as to the effect of the case commonly known as the Consolidated Gas Company case (*Willcox v. Consolidated Gas Co.*, 212 U. S., 19), I beg to enclose herewith a memorandum covering the essential points of the decision in that case, as well as of the decision in the case of *Knoxville v. Knoxville Water Co.*, 212 U. S., 1, 17.

W. CABELL BRUCE,
General Counsel.

MEMORANDA OF CONSOLIDATED GAS COMPANY AND KNOXVILLE
WATER COMPANY CASES, 212 U. S., FOR USE IN CONSOLIDATED
GAS ELECTRIC LIGHT AND POWER COMPANY CASE.

General Rule as to Rate.—The rate must be such as to yield a fair return upon the reasonable value of the property at the time it is being used for the public.

Willcox v. Consolidated Gas Co., 212 U. S., 19, 41.
Knoxville v. Knoxville Water Co., 212 U. S., 1, 17.

In determining this value, there should be considered the original cost of construction, the amount expended in permanent improvements, the amount and market value of bonds and stock, the cost of reconstruction, probable earning capacity, operating expenses, &c.

Smith v. Ames, 169 U. S., 466.

Time of Valuation.—The value of the property is ordinarily to be determined as of the time when the valuation is made. If the property has increased in value since it was acquired, the company, as a general rule, is entitled to the benefit of the increase. But an increase in value may be so enormous as to constitute an exception to this rule.

Willcox v. Consolidated Gas Co., 212 U. S., 19, 52.

Under this rule, real estate is to be appraised at its present value. The plant, equipment and personal property are to be valued in the same way, but less depreciation.

Expenses of Organization, Promotion, Etc.—The Supreme Court declines to decide whether these are proper items of value or not.

Knoxville v. Knoxville Water Co., 212 U. S., 1, 9.

Capitalization.—Where the capitalization considerably exceeds the actual valuation, and represents securities issued for construction, &c., in excess of cost, it furnishes no guide to value.

Knoxville v. Knoxville Water Co., 212 U. S., 1, 11.

See also Smyth v. Ames, 169 U. S., 466.

Cost of Reproduction.—This is one way of ascertaining the present value of the plant and equipment, but the cost of reproduction must be diminished by the depreciation which has come from age and use.

Knoxville v. Knoxville Water Co., 212 U. S., 1, 9-10.

Depreciation.—The amount of depreciation differs in each case, and is largely a matter of opinion. *Complete depreciation* represents that part of the original plant which has become *useless*. *Incomplete depreciation* represents the parts which have become *impaired* in value, but can still be used.

In ascertaining the value of the plant, it is not proper to add the amounts of complete and incomplete depreciation to the present value of the surviving parts.

But in determining how much the company is entitled to earn, it must be allowed a sum which will provide not only for the current repairs, but for making good the depreciation and replacing the parts of the property when they come to the end of their life, so that at the end of any given period the original investment will remain as it was at the beginning.

Knoxville v. Knoxville Water Co., 212 U. S., 1, 13-14.

Willcox v. Consolidated Gas Co., 212 U. S., 19, 42.

Value of a "Going Concern."—That is, the added value of the plant as a whole over the sum of the value of its component parts, which is attached to it because it is in active and successful operation, and earning a return. The Supreme Court declines to decide whether such added value is proper or not.

Knoxville v. Knoxville Water Co., 212 U. S., 1, 9.

Where the company has a monopoly, *good will* is not an element of value.

Willcox v. Consolidated Gas Co., 212 U. S., 19, 52.

Wyman, Public Service Corporations, Vol. II, S. 1101, 1102, while stating that good will alone cannot be valued, seems to think that the value of a company as a going concern may be included.

Franchise Value.—The franchises consist in the right to open streets and lay down mains and use them to supply gas, subject to the right of the Legislature (or of the Commission) to regulate the price. Their chief element of value depends upon whether they are exclusive or subject to competition.

If at consolidation the franchise value is fixed at \$7,781,000 and the tangible property at \$30,000,000, and if the value of the tangible property increases in twenty-three years to \$47,000,000 and the receipts during the same period are quadrupled, then it is not proper to assume that the franchise value has increased in the same proportions. In other words, to determine franchise value at any given time, you cannot assume the same growth in value for the franchise as has occurred in the case of tangible property or in the case of receipts.

Where the franchise value agreed upon twenty-three years ago, pursuant to a State consolidation law, has been recognized ever since, and the stock has been dealt in all this time on this basis, that value should stand. Whether it has increased or not, is not affected by the fact that tangible property or receipts, or both, have increased.

In the New York 80 cent gas case, the original franchise value included in the capitalization on consolidation was founded upon the opportunity of obtaining large returns without legis-

lative interference with the price. When the Legislature provided for the reduction of the rates to a reasonable sum, the franchise value certainly did not increase. Therefore, the Supreme Court held that the franchise value should remain as it originally stood, the decision not, however, to constitute a precedent except in a similar case.

Willcox v. Consolidated Gas Co., 212 U. S., 19, 43-48.

This case lays down no rules as to how franchises should be valued, nor does it directly hold that franchises should be valued at all. The court simply holds that where the State has authorized a capitalization which includes some franchise value, then the value thus recognized by the State should be allowed, but should not be increased.

Wyman, *Public Service Corporations*, Vol. II, Sec. 1104, says that in valuing property for rate-making purposes, franchises should not be valued at all. "The value of the franchise is itself based on the capacity of the company to earn profit, and it becomes greater when the earnings of the company are increased. If, therefore, a high rate of income could be justified on account of the great value of the franchise, this fact would in turn enhance the value of the franchise itself and so justify a still higher charge, and there would be no limit to the legal charge of the company which could be enforced should such franchise value be permitted to increase in this way the capital charges." This statement is, of course, subject to the Consolidated Gas Company decision, which allows the valuation of franchises when the State, under a consolidation law, has recognized them as part of the capitalization.

Taxes.—The fact that the State has taxed the franchises upon a higher assessment than the value to be fixed is immaterial. These taxes are properly treated as part of the operating expenses, to be paid out of earnings before dividends, and if the dividends are not a fair return, then the rate is too high. If the future earnings are decreased because of the new rate, then presumably the assessment of the franchises will be lowered,

and thus the consumer will be benefited by paying a reduced sum (indirectly) for taxes.

Willcox v. Consolidated Gas Co., 212 U. S., 19, 51-52.

Amount of Net Income Allowed.—This differs in different cases.

In *Knoxville v. Knoxville Water Co.*, 212 U. S., 1, 17, the court declined to say, on the facts before it and in the absence of practical experience, that 6 per cent. (4 per cent. after 2 per cent. for depreciation) was confiscatory.

In *Willcox v. Consolidated Gas Co.*, 212 U. S., 19, 48-51, the Supreme Court held: The rate depends, among other things, upon the amount of business risk, the locality, and the rate expected and usually realized upon similar investments. The less risk, the less right to unusual returns. The more hazardous the undertaking, the larger may be the return. Where a gas company in a large and growing city has a monopoly and is practically secure against competition, then the investment is as safe and secure as can be imagined with regard to any private manufacturing company. Under these circumstances, 6 per cent. is fair, unless practical operation shows otherwise. In determining upon this figure, the Supreme Court took into consideration the fact that a lower rate might mean increased consumption without a proportional increase in cost.

Discounts on Bills.—Where the rate is fixed by law, and the company allows a discount upon this rate for prompt payment, so that the actual collections are less than the book rates, the amount which the company will realize under the rate to be prescribed must be computed upon the basis of the full new rate, and not upon the discount rate.

Knoxville v. Knoxville Water Co., 212 U. S., 1, 12.

(79)

In the matter of the Complaint of
THE MARYLAND AND PENNSYLVANIA RAIL-
ROAD COMPANY

vs.

WM. A. TIERKE.

October 16, 1911.

Alleged Violation of the Provisions of Sec-
tion 17 of the Public Service Commis-
sion Law.

To the Public Service Commission of Maryland:

I reply to communication of the 13th inst., transmitting to me a copy of a letter dated the 12th inst., from Mr. C. A. Fifer, General Passenger Agent of the Maryland and Pennsylvania Railroad Company, to the Public Service Commission, in which the writer brings to the attention of the Commission circumstances which he believes to constitute a violation of the prohibition of Sec. 17 of the Public Service Commission law relating to false billing, etc.

That section provides that no person who shall deliver freight or property for transportation within the State to a common carrier, shall seek to obtain transportation for such property at less than the rates then established and in force therefor; in accordance with the schedules filed and published pursuant to the provisions of the Public Service Commission Law and orders of the Commission, by means of false billing, false or incorrect classification, false representation of the contents of a package, or by other device or means, whether with or without the consent or connivance of the common carrier or any of its agents, officers or employees. These provisions are followed by the declaration in Sec. 28 that every person who shall violate any provision of the Act shall be guilty of a misdemeanor. Pages 38 and 39. This declaration is repeated in the same section, page 40.

Paragraph 2 of the Baggage Rules of the Maryland and Pennsylvania Railroad Company (see page 6 of its local passenger tariff P. S. C. Md. No. 1), provides as follows:

"The term baggage is understood to mean wearing apparel and such personal effects of passengers as may be necessary for their journey, and will be checked upon presentation of proper tickets when such baggage is enclosed in securely locked receptacles in good order, which will insure safe transportation, such as trunks, suitcases, satchels, leather hat boxes, valises, telescopes, medium sized boxes provided with suitable handles, sailor or emigrant bags, bundles when properly wrapped in canvas or other strong material and securely roped. Merchandise is not considered as baggage."

Assuming the correctness of the facts stated by Mr. Fifer in his letter, it seems to me that he is not wrong in asserting that William A. Tuerke, the trunk dealer mentioned in the letter, has been guilty of violating the provisions of Sec. 17 of the Public Service Commission Law.

W. CABELL BRUCE,
General Counsel.

(80)

In the matter of Inquiry of	}	October 17, 1911.
McDOWELL, PYLE AND COMPANY,		
Relative to Question Whether it is the		
Duty of <i>Express Companies</i> to Furnish		
Consignors with Names of Shippers.		

To the Public Service Commission of Maryland:

I reply to communication of the 13th inst., transmitting to me a copy of a letter from McDowell, Pyle and Company to the

Commission, dated the 5th inst., in which the writers complain that they have been caused considerable trouble and annoyance by the delivery to them of packages by the express companies without advices as to the names of the persons from whom the packages were consigned.

Sec. 23 of the Public Service Commission Law provides that whenever the Commission shall be of the opinion, after hearing, had upon its own motion or upon complaint, that the practices of any common carrier or other such corporation in respect to any services, or transportation of freight or property within this State, are unjust, unreasonable, unsafe, unreasonably improper or inadequate, the Commission shall determine the just, reasonable, safe, reasonably adequate and proper practices to be observed in respect to such transportation of freight and property.

By Sec. 1 of the same law, page 6, it is declared, it will be recollected, that the term common carrier when used in the law, shall include among other corporations, all express companies. I am satisfied, therefore, that if the practice pursued by express companies in this State of accepting for transportation all packages delivered to them whether the names of the consignors are disclosed to them or not, is an unreasonable or unreasonably improper practice, the Commission would have the power to bring the practice to an end so far as intrastate express packages were concerned, by prohibiting express companies in this State from accepting packages for transportation unless the names of the consignors were disclosed. Whether the practice in question is in point of fact unreasonable or unreasonably improper is, of course, a question for the determination of the Commission itself. I take it for granted from what is said by Mr. H. G. Ransburg, the superintendent of the Adams Express Company, in his letter to you of the 9th inst., a copy of which also is transmitted with your communication to me, that an express company in this State would be compelled to forego a very considerable amount of transportation if it were forbidden to accept packages for transportation without the names of the consignors. It also seems to me that such a requirement would, to some extent at any rate, be a needless invasion of legitimate business privacy. Nor do I lose sight of

the fact that since consignees are not likely to receive express packages except upon orders given by them, the grievance stated by McDowell, Pyle and Company would appear to be one more or less casual and infringement in its nature.

Moreover, the consignee is not bound to accept a package tendered to him by an express company until he has satisfied himself, by proper inspection, that it is something that he is called upon to receive. If the thing does not answer that description, he can turn it back upon the hands of the express company, but these, as I have intimated, are considerations of policy to be weighed along with the other considerations of policy in the case rather by the Commission than by me.

I should have stated above that there is no statute in force in this State requiring express companies to demand the names of consignors when accepting packages for transportation.

W. CABELL BRUCE,
General Counsel.

(81)

In the matter of Inquiry of	}	October 23, 1911.
JOHN W. HAYES		
Relative to the Use of "Mixed" Trains on the Chesapeake Beach Railroad.		

To the Public Service Commission of Maryland:

I reply to communication to me of the 4th inst., transmitting a copy of a letter dated the 3rd inst. from Mr. John W. Hayes to the Chairman of the Commission, asking in relation to the Chesapeake Beach Railroad, whether there is any law in this State that prohibits the use of mixed trains on a steam railroad, and whether after a passenger has purchased a ticket over such a road marked "good for one first-class passage," he can be compelled to ride on a second-class train such as a mixed train which is prevented by the freight which it takes on

and discharges at various stations en route from one terminus to another, from making any but very slow time.

There is no law in this State which prohibits the use of mixed trains, that is to say, trains partly passenger and partly freight.

The answer to the second paragraph of Mr. Hayes' inquiry is found in the fact that the Chesapeake Beach Railroad Company does not compel the holders of tickets marked "good for one first-class passage" to use the mixed train which runs daily over its road between Washington and Chesapeake Beach. The facts in the case show that there is a first-class passenger train which arrives at the line of the District of Columbia from Chesapeake Beach each morning at 7.55 A. M., and which leaves the District Line for Chesapeake Beach the same day at 5.40 P. M. If the holder of a ticket chooses he can ride upon this train and by doing so secure for himself the benefits of a first-class passenger service. As to the mixed train, the Railroad Company simply says to the purchasers of first-class tickets, that if it does not suit their convenience to use the one service for which tickets are issued by it, they can avail themselves of an inferior service furnished by a mixed train which is run primarily for freight, and only secondarily for passengers. It further says to them that if they are not willing to pay the price of a first-class ticket for this inferior service in view of the degree to which their convenience would be otherwise sacrificed, the Company has done the best that its adverse business will allow it to do, and can not reasonably be expected to do more.

Assuming that the pecuniary state of the Company is what it is represented to be, it seems to me that its answer is a conclusive one, to which the mere fact that the same-priced ticket is required for a mixed train, if elected to be used, as for a first-class passenger train is no reply. But of course, it is in the power of the Commission, if such action is deemed expedient and proper by it, to enter an order requiring the Company to prescribe a lower rate for transportation upon the mixed train than upon the other train, and to issue tickets marked second-class for the inferior service.

W. CABELL BRUCE,
General Counsel.

(82)

In the matter of the Complaint of
THE MORRELL PARK IMPROVEMENT ASSO-
CIATION

vs.

THE UNITED RAILWAYS AND ELECTRIC COM-
PANY OF BALTIMORE.

Nov. 16, 1911.

Question as to the Power of the Commis-
sion Under the Law to Compel the
United Railways and Electric Company
to Extend its Lines into New Territory.

To the Public Service Commission of Maryland:

I have carefully considered the power of the Commission to grant the petition of the Morrell Park Improvement Association for an extension of the line of the United Railways and Electric Company on the Washington Boulevard in Baltimore County from the present terminus of the line at the city limits to Caton Avenue, a distance through new territory of about one mile and one quarter. The petition alleges that the extension is needed for the convenience of the residents of Morrell Park, Mount Winans, Lansdowne and vicinity. The company denies that there is any public need for the extension, and contends that the district in question is already served by the Pennsylvania and Baltimore and Ohio Railroads, and that the patronage would not justify the competition with these roads which would result, or the large amount of capital which would have to be invested.

The United Railways and Electric Company tracks which now terminate at the city limits on Columbia avenue, were laid along Columbia avenue to Washington avenue, and thence along Washington avenue as far as Bayard street by the Baltimore Union Passenger Railway Company under Ordinance No. 40, approved April 6, 1882. This ordinance provided that these tracks, their construction, use and enjoyment, were to be sub-

ject to the conditions contained in the original Baltimore City Passenger Railway Company Ordinance No. 150, approved October 25, 1880. Neither Ordinance No. 40 nor Ordinance No. 150 reserved any power to the city, or conferred any right upon the company for any further extension of the tracks. (Pielert, pages 160-165).

The Baltimore Union Passenger Railway Company had been incorporated under the general railroad incorporation law on November 7, 1881. (See chapter, Pielert, pages 157-158). At that time this general law was the Act of 1876, Ch. 242. At present it is Code 1904, Art. 23, Sec. 242-300. It did not then and it does not now confer any power upon the state or city or any right upon the companies chartered or consolidated under it with reference to extensions of lines.

The Baltimore City Passenger Railway Company consolidated with other companies on June 7, 1892, forming the City and Suburban Railway Company. This consolidation was authorized by Acts 1892, Ch. 266. (For act, see Pielert, pages 159-160). Neither this act nor the certificate of consolidation (Pielert, pages 153-154) reserved any power to the city or state, or conferred any right upon the new company to make extensions of the existing tracks.

Ordinance No. 121, approved May 4, 1893, authorized the City and Suburban Railway Company to extend its tracks on Washington avenue from Bayard street to the city limits. Nothing was said about any further extensions. (For this ordinance, see Pielert, page 155).

The City and Suburban Railway Company consolidated on June 17, 1897, into the Baltimore Consolidated Railway Company (Pielert, pages 113-114), which latter company consolidated on March 4, 1899, into the United Railways and Electric Company. (Pielert, pages 11-14). Both of these consolidations were under the general law. Neither of the consolidation agreements said anything about extensions.

The decision in *Koch v. North Avenue Railway Company*, 75 Md. 222, 226, announced the principle that in the case of street railway companies chartered under the general law, there is left "to the Mayor and City Council under their general power of control and regulation of the streets, the right to de-

fine the route of the road and its termini." So far as Baltimore County is concerned, the Act of 1896, Ch. 176, authorized the City and Suburban Railway Company to construct tracks upon those roads in Baltimore County as to which the company received the assent of the County Commissioners, and expressly authorized the County Commissioners to grant such privileges. This power, of course, is now vested in the United Railways and Electric Company. The present provisions regulating the granting of franchises on Baltimore County roads are found in Acts 1908, Ch. 495, Sec. 364, page 495.

The Washington Boulevard, along which it is proposed that the extension be made, was authorized to be constructed by Acts 1906, Ch. 312, and under this Act and also under Acts 1908, Ch. 304, page 258, the work was placed under the direction and control of the State Geological and Economic Survey Commission. By Acts 1910, Ch. 217, page 314, &c., the powers of this Commission with respect to this road were transferred to the Good Roads Commission, Sec. 45, page 319, of this Act provides that all roads upon completion shall be in all respects county roads. The Washington Boulevard has not been completed from the city limits as far as Caton avenue, and I find from the counsel for the Good Roads Commission that there is a question as to whether the Good Roads Commission or the county has jurisdiction over this portion of the road.

From the foregoing it is clear:

1. That no charter, ordinance or franchise *duty* is imposed upon the United Railways and Electric Company to make any extension of its tracks into Baltimore County on the Washington Boulevard.

2. That the company, however, has the *power*, under Acts 1896, Ch. 176, to extend its tracks upon the Washington Boulevard, provided the County Commissioners of Baltimore County consent.

The extension asked for would cover about one mile and one-quarter. The Chief Engineer informs me that one, and, perhaps, both of the bridges which the tracks would cross would have to be reconstructed. The proposed line, therefore, would constitute a real and substantial addition to the United Railways and Electric Company's existing system. It is one, how-

ever, which the company under the Act of 1906, Ch. 176, has the power to make, provided the proper local consent is obtained. I will treat the case as if this necessary consent had been obtained, and will consider only the main question involved, namely: Where a street railway company has the *power* to make a substantial extension of its existing lines, into a territory which it does not profess to serve, but is under no statutory or franchise *obligation* to do so, can it be compelled to make the extension under the Public Service Commission Law?

Sec. 13, page 21, of the law, requires street railway corporations to furnish "such service and facilities as shall be safe and *adequate*." Sec. 13, page 22, and Sec. 20, page 30, give the Commission jurisdiction over such corporations "with respect to the adequacy, security and accommodation afforded by their service."

Sec. 23, page 33, gives the Commission jurisdiction when, after a hearing, it deems the service to be inadequate, to fix the "*reasonably adequate*" service.

Sec. 23, page 34, authorizes the Commission, when, after a hearing, it deems that repairs, improvements or changes to facilities, &c., ought reasonably to be made, "or any *addition* should reasonably be made thereto in order to promote the security or *convenience* of the public or employees, or in order to secure *adequate service or facilities* for the transportation of passengers, freight or property," to order such "repairs, improvements, changes or *additions* to be made within a reasonable time and in a manner to be specified," and every corporation is "required and directed to make all repairs, improvements, changes and *additions* required of it by any order of the Commission served upon it."

In my judgment, these provisions do not contemplate requiring a street railway company to construct an extension to its existing system which, as in the present case, would be so substantial as practically to constitute a new line into new territory.

Without referring to the authorities in detail, it appears to be settled that a railway company's obligations to render adequate service is confined to the route or routes it has estab-

lished, or at most, to the territory it has undertaken to serve. Within the limits and between the termini where the company professes to serve, the service and facilities must be adequate to the public needs, and as these needs increase, the facilities must increase so as to keep pace with them. But this obligation does not go to the extent of compelling the company to extend its lines into new territory beyond the territory which it professes to serve.

A gas company, an electric company, a telephone company must all increase their facilities to whatever extent may from time to time be reasonable in order to supply the public within the district which they serve, but they are not compelled to supply a new district or a new territory. A steam railroad must see to it that its service is kept adequate to meet the growing needs of the shippers along its route, but it is not compelled to establish new routes and open up new territory.

Likewise, within the limits where the United Railways and Electric Company professes to serve the public, the company must add to its facilities and must improve its service to whatever extent may be reasonable in order to serve the people. But it is not obliged to make an extension into new territory which would really constitute a new venture.

The company must give adequate service upon all the lines in Baltimore County which it has established, and in all sections of Baltimore County which it professes to serve, and this service must increase and be added to as the public demands upon it increase. But the company has never held itself out to give adequate car service to the whole of Baltimore County. It has never obligated itself to serve sections of that county where no car lines exist at all. If the needs of Morrell Park and vicinity call for a street car line, doubtless the same is true as to many other sections of the county, and if the wants of all of these sections were to be gratified, the result would be that an entirely new and additional system and entirely new and additional districts would be added to the system which the United Railways and Electric Company professes to maintain and to the districts which it professes to serve.

It may be that in Baltimore City the case would be different. There the United Railways and Electric Company

may, perhaps, be said to hold itself out as rendering reasonably adequate service to *all* sections of the city. But however this may be, certainly the company does not profess to serve all sections of Baltimore County. The Act of 1896, Ch. 176, which *authorizes* the company to lay its tracks upon county roads if the County Commissioners consent, cannot be construed into an *obligation* upon the company to do so. It still rests with the company to determine whether or not an entirely new district in Baltimore County shall be added to its system.

In view of these considerations, I think that the sections of the Public Service Commission Law above cited refer to and require adequate service upon existing lines or within such territory as the company professes to serve, and contemplate and require improvements and additions to *that* service or within *that* territory for the public convenience, but do not contemplate an extension which would amount to a new venture into new territory.

These views are in accord with the decision of the Wisconsin Railroad Commission in *Merrill v. Merrill Railway and Light Co.*, 5 Wisc. R. R. Comm., Rep. 418, and with the principles stated and the cases cited in *Wyman on Public Service Corporations*, Vol. 1, Secs. 272, 273, 274, 276, 277, 281, 791-797, 804.

In my judgment, therefore, the Public Service Commission has no power under the law to compel the United Railways and Electric Company to make the extension prayed for in the petition of the Morrell Park Improvement Association.

ALBERT C. RITCHIE,
Assistant General Counsel.

(83)

In the matter of

THE WASHINGTON, POTOMAC AND CHESA-
PEAKE RAILWAY COMPANY.

Question Whether a Railroad Corpora-
tion Formed by the Purchases Under
Foreclosure Proceedings Pursuant to
Code 1904, Art. 23, Sec. 275, etc., is
Bound by the Limitation of Bond Issue
Contained in Article 23, Section 258,
Code 1904.

Nov. 22, 1911.

To the Public Service Commission of Maryland:

I have considered the inquiry of Mr. Edgar Allan Poe, namely, whether the Washington, Potomac and Chesapeake Railway Company, a corporation formed by the purchasers under foreclosure proceedings pursuant to Code 1904, Art. 23, Sec. 275, &c., will be permitted by this Commission to issue \$2,000,000 bonds at a price to be named by the Commission, without requiring the company to increase its capital stock from the present authorized amount of \$500,000 to \$2,000,000.

Code 1904, Art. 23, Sec. 258, referring to a railroad corporation incorporated under the general law, provides that such corporation "shall have power to borrow money on the credit of the corporation, not exceeding its authorized capital stock," &c. This section is the present codification of a provision enacted as part of the original railroad incorporation law, Acts 1876, Ch. 242.

In 1884 an Act was passed entitled "An Act to organize into a corporation the purchaser or purchasers of any railroad or railroads located within this State." This Act is now codified in Code 1904, Art. 23, Secs. 275 to 281, inclusive. It has recently been amended by Acts 1910, Ch. 725, p. 80. This statute provides for the formation by the purchasers at a railroad foreclosure sale of a new corporation to own and operate the railroad, prescribes the form and contents of the charter and the powers of the company. This law was doubtless passed in con-

formity with the policy of most of the States, to prevent, as far as possible, the disintegration of railroad systems sold under foreclosures, by vesting the property as an entirety, with all rights and franchises, in a new corporation organized by the purchasers. I think it clear that corporations so formed constitute a special class, which are governed, as to their organization, by Secs. 275 to 281, and not by the provisions for the incorporation of railroad companies generally.

Sec. 277 expressly provides that any such corporation "shall have power to make and issue bonds bearing such rate of interest, not exceeding 6 per centum per annum, payable at such times and places, and in *such amount or amounts as it may deem expedient*, and to sell and dispose of such bonds at such prices and in such manner as it may deem proper, and to secure the payment of such bonds by mortgage or deed of trust of its railroad, or any part thereof."

In my opinion, the effect of this section is that the corporations referred to are not under the prohibition imposed by Sec. 258 upon railroad corporations generally, against issuing bonds in excess of their authorized capital stock, and, therefore, that the Washington, Potomac and Chesapeake Railway Company is not prohibited by the statute from issuing \$2,000,000 bonds upon \$500,000 capital stock. If the Commission has jurisdiction at all over this proposed bond issue, then there is no legal objection to the issue of the bonds, and the matter is simply one for the Commission in its discretion to determine.

Whether or not the Commission has jurisdiction at all over the amount of securities to be issued by a railroad corporation formed by the purchasers at a foreclosure sale is a matter of considerable doubt. The New York statute is similar to ours in most respects, but broader in some, and under that statute the Supreme Court, Appellate Division, decided on June 9, 1911, in the Third Avenue Railroad Company reorganization case, that the New York Commission had no jurisdiction over the amount of securities to be issued by the reorganized company, on the ground that the New York reorganization law provided for a special case, and was not repealed by the general terms of the Public Service Commission law of the State. There are strong grounds for a like contention in Maryland, particularly

in view of the amendment to our statute passed in 1910 by the same Legislature which enacted our Public Service Commission law.

The New York Commission is vigorously contesting the decision of the Supreme Court, and its appeal therefrom was argued in the Court of Appeals of New York on October 16, 1911, but no decision has yet been rendered. This is the only case of the kind which has arisen, and in view of the great importance of the question involved, I think it much better to await, if possible, a final determination by the Court of Appeals of New York before deciding the same question in this State.

I do not understand Mr. Poe to dispute the Commission's jurisdiction to pass upon the proposed bond issue of the company he represents. Should he raise this question, it will, of course, have to be decided; but if he does not, then I think it much preferable for the Commission to act upon the desired issue as seems proper to it, leaving the question of the Commission's jurisdiction in such cases to be settled after the Court of Appeals of New York hands down its decision. But in reaching its determination the Commission, as I have already said, may, in my opinion, regard Section 258 of Art. 23 of the Code as not applicable to the present case.

ALBERT C. RITCHIE,
Assistant General Counsel.

(84)

In the matter of the Petition of
THOMAS E. BOND.

Involving Question of Jurisdiction of
Commission Over Private Sewers in
Baltimore City.

} Nov. 22, 1911.

To the Public Service Commission of Maryland:

As requested, I have considered the petition of Thomas E. Bond. Mr. Bond states that certain lateral sewers are now

being or will be constructed in the city of Baltimore, and when completed will be taken over by the Sewerage Commission of Baltimore City. His complaint arises out of the fact that property holders will hereafter be compelled to incur the expense of connecting with the new laterals when the same are built. The cost of connecting with one of these new laterals is given by Mr. Bond, and he conceives this cost to be excessive.

The jurisdiction of the Public Service Commission of Maryland is confined to the corporations and undertakings specified in the law, and it is entirely clear that the Commission has no jurisdiction over the subject-matter of Mr. Bond's complaint.

ALBERT C. RITCHIE,
Assistant General Counsel.

(85)

In the matter of
THE EASTON LIGHT AND FUEL COMPANY.

Steps Necessary to Compel the Company
to Comply with Orders of the Commis-
sion, and to Collect Penalties Imposed
by Law.

Nov. 22, 1911.

To the Public Service Commission of Maryland:

As requested by resolution of the Commission, I have considered the steps necessary to compel the Easton Light and Fuel Company to comply with the orders of the Commission from time to time passed in the case of the Mayor and City Council of Easton v. The Easton Light and Fuel Company, and to collect the penalties imposed by the law for the said company's failure to obey said orders.

While Sec. 28 of the law provides for the collection of penalties and the enforcement of orders with respect to common carriers, railroad corporations, street railroad corporations,

and other corporations subject to the Act, Sec. 38 provides specifically for the case of gas and electric corporations, and, therefore, controls the present inquiry. Under this section, the Commission may resort to either one or both of the following procedures:

1. An action may be instituted in the appropriate tribunal to recover the \$1,000 forfeiture prescribed by Sec. 38 for each distinct violation of the orders of the Commission. This forfeiture may be enforced either against the corporation itself, or against such of its officers, agents or employees as have knowingly failed or neglected to comply with the orders. The action is required to be commenced and prosecuted by the Commission's Counsel, and this will be promptly done if the Commission so directs, and specifies whether it desires to enforce the forfeiture against the corporation, or against its officers, agents or employees.

2. An action or proceeding in the nature of a mandamus, may be commenced in the appropriate Circuit Court to compel the corporation to comply with the Commission's orders. If the Commission desires to pursue this course, then it should pass an order reciting its finding that the Easton Light and Fuel Company is failing and omitting to comply with the orders passed by the Commission, and is acting contrary to and in violation of said orders, and directing counsel to commence appropriate proceedings in the appropriate tribunal, in the name of the Commission, for the purpose of having such violations stopped and prevented, either by mandamus or injunction.

If the Commission will signify its wishes in the premises, counsel will cause the proper proceedings to be instituted and prosecuted.

ALBERT C. RITCHIE,
Assistant General Counsel.

(87)

In the matter of Issue of Free Transportation by THE UNITED RAILWAYS AND ELECTRIC COM- PANY OF BALTIMORE to the Plain Clothes' Members of the POLICE DE- PARTMENT of Baltimore.	}	Before the Public Service Commis- sion of Mary- land. Nov. 29, 1911.
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To the Public Service Commission of Maryland:

I have considered the request of the Board of Police Commissioners of Baltimore City to be advised whether or not the Public Service Commission Law would be violated by the issue by The United Railways and Electric Company of free transportation to the plain clothes' members of the department. This request is accompanied by the statement that up to within a short time after the passage of the Public Service Commission Law this privilege was extended to the plain clothes' men, tickets being issued to them, and that the Police Board is informed that The United Railways and Electric Company is willing to resume the issue of free transportation to the plain clothes' men if advised by the Commission that the company will not thereby violate the law.

Shortly after the receipt of your letter of November 21, The United Railways and Electric Company expressed a desire to communicate with me upon the subject, and I am today in receipt of a letter from the company's general counsel, a copy of which I enclose, stating that it is not the desire of the company to furnish pass books to members of the detective force of the Police Department, and that while such books were formerly given, they were withdrawn prior to the enactment of the Public Service Commission Law, and stating further that the company does, however, furnish to the Marshal, upon the requisition of the Police Board, tickets for free transportation of detectives while engaged in public business, which tickets amount to four or five hundred a month.

It is exceedingly doubtful whether the furnishing of free transportation to the plain clothes' men, except in the manner

which the company's general counsel states is now done, would be lawful under Sec. 16 of the law.

However this may be, the Commission cannot compel The United Railways and Electric Company to issue free transportation at all, but can do no more than say that the company may, if it chooses, furnish free transportation to those who come within the excepted classes of Sec. 16. Since, therefore, any action of the Commission would be at most merely permissive, and since we are informed by the company's general counsel that the company does not desire to avail itself of the permission in the present case, even if granted, it seems to me that the inquiry presents only an academic question, and that no occasion exists for its decision.

ALBERT C. RITCHIE,

Assistant General Counsel.

(88)

In the matter of
H. L. THOMAS & SON
vs.
BALTIMORE AND OHIO RAILROAD COMPANY.

Erroneous quotation of rate.

Before the Public
Service Commis-
sion of Mary-
land.

Dec. 20, 1911.

To the Public Service Commission of Maryland:

I am in receipt of communication of the 18th inst. transmitting to me a copy of a letter dated the 16th inst. from Mr. William C. Coleman, Assistant Counsel of the Baltimore and Ohio Railroad Company, to the Chairman of the Commission.

The point of Mr. Coleman's letter is, that through inadvertence on the part of an agent of the railroad company, a lighterage rate of one cent per hundred pounds (instead of two cents, the published rate), was quoted to the shippers, H. L.

Thomas & Sons, and that upon the strength of this quotation the shippers made the shipments of manure in question.

The statement of the facts made by Mr. Coleman is followed by the expression of his opinion that under the circumstances, involving as they did entire good faith upon the part of the agent of the railroad company and the shippers, the latter were entitled to the benefit of the reduced rate on those particular shipments and should not be compelled to settle with the railroad company on the basis of the higher rate. As I understand it, two cents was the lawful published rate of the railroad company under the provisions of the Public Service Commission Law for the lighterage service in question at the time that the shipments in question were made. This being so, the Commission, in my opinion, has no power to authorize the railroad company to settle with Thomas & Sons on any such terms as are proposed. Sec. 16, p. 25 of the Public Service Commission Law, prohibits carriers from receiving a greater, less or different compensation than the rate fixed in the schedule. These provisions were intended to forbid unjust discriminations as between different patrons of common carriers and are binding upon the shipper, the common carrier, and the Public Service Commission alike.

In addition to referring to the provisions of the Public Service Commission Law which I have cited, I might also refer to those requiring every common carrier to file with the Commission and to publish schedules showing its rates, Sec. 15, p. 23, and declaring that no change can be made in those rates when once published, except in the manner prescribed by the law, Sec. 15, p. 24.

That an agent of the railroad company has honestly and in good faith disregarded the law of the State and the rate schedule of his principal published thereunder, and has quoted to a patron of his principal an unjust and discriminatory rate, is no good and valid reason why the Commission should ignore its sworn duty and set aside in a vital particular the act from which alone it derives its jurisdiction and powers.

If an agent of a railroad company undertakes, however innocently, in behalf of a corporation to do an unlawful thing, the corporation has no recourse except to disavow his act and

to refrain from making things still worse by carrying an unlawful promise into unlawful execution. Nor when there was a rate sheet published pursuant to law could even Thomas & Sons themselves rightfully rely upon the representation of the agent of the Baltimore and Ohio Railroad Company.

“The shipper is charged with knowing the lawful rate if it has been published.”

U. S. vs. Standard Oil Co., 155 Fed., 305.

“Shippers and consignees cannot rely for the lawful rate or charge on what is quoted to them by the carrier’s agents, but must be guided by the published rate sheets.”

Suffern, H. & Co., vs. Indiana D. & W. R. Co., 7 inters. Com. R., 255.

**W. CABELL BRUCE,
General Counsel.**

APPENDIX IV.

REPORT OF ENGINEERING DIVISION AS OF SEPTEMBER 30, 1911.

The Public Service Commission of Maryland:

I have the honor to report the operations of your Engineering Department for the twelve months ending September 30, 1911. This period is selected, owing to the necessity of compiling and summarizing data intended for the publication of the Commission's report on the first of the year. In addition to the reports which have been made from time to time on special subjects being considered by the Commission this report gives conclusions as to gas and electric meter testing, tests and analysis of illuminating gas, and accident inspection.

GAS METER TESTING

Appended hereto is a detailed summary of the gas meters tested and sealed by inspectors of the Commission, giving the size of the meter, the name of the operating company, and the number of each size meter, classified as new meters, old meters, and meters tested upon complaint of consumers.

There was tested and sealed a total of 24,058 gas meters of all sizes and classes, of which 15,185 tested out correct, 2,056 were less than 2 per cent. fast, and 6,817 were less than 2 per cent. slow. Meters, which upon testing proved to be more than 2 per cent. inaccurate, were rejected, readjusted, and reproved before being put into service.

Of the above total number of meters 24 were tested upon complaint of consumers; 5 of these meters proved correct, 3 were fast, and 16 were slow. Of the complaint meters only one proved to be fast beyond the legal limit of 2 per cent. The general average for all complaint meters tested showed an average of 1.29 per cent. slow.

In addition to the meters above referred to there was tested ten proportional meters, used for registering large quantities of gas in the natural gas regions of Western Maryland. These meters ranged in capacity from 10,000 to 30,000 cubic feet per hour.

ELECTRIC METER TESTING.

Appended hereto is the detailed summary of tests of electric meters, giving the size of the meter, the operating company, and the number of new meters, old meters, and meters tested upon complaint of the consumer. The total number of meters tested was 5,592, of which 2,494 were new meters, 3,075 were old meters, and 23 were tested upon complaint of consumers.

Electric meters are always adjusted to register correctly before they are sealed and put in service. Of the 23 complaint meters 2 were fast more than the legal limit of 4 per cent. Neglecting the test of one meter which was so far out of adjustment that its definite accuracy could not be ascertained, the complaint electric meters tested gave a general average of 0.31 per cent. slow.

WATER METER TESTING.

Water meters to this date have only been tested upon complaint of the consumer. Thus far two such meters have been tested, both of which proved to be fast more than 2 per cent., which was the figure established by order of the Commission.

GAS TESTING AND ANALYSES.

During the period covered by this report there have been made 251 tests and analyses of gas, which work was begun on the 1st of December, 1910; and in order to submit a full twelve months' record, the results are given up to and inclusive of November 30, 1911. The results for candle power, heating value, and the sulphur content are given on the detailed summary attached hereto, upon which is also given the range of average results.

These results show a highly satisfactory condition of the gas supply in Baltimore City and suburbs, while at the same time the testing of gas has not been extended generally throughout the State. The gas laboratory, having equipment of a stationary character, is necessarily located in Baltimore, the tests averaging about twenty-one per month. The examination of the gas supplied outside of Baltimore City and suburbs has been confined to determinations of heating value, the Junker calorimeter in the Commission's laboratory having been adapted for transporting. Our photometer is not portable, and consequently the quality of gas supplied generally throughout the State has been compared on a basis of heating value and a chemical analysis.

In respect to this question of determining the quality and purity of gas, it has been brought to our notice that the Bureau of Standards at Washington is exerting itself to secure the co-operation of State commissions and municipal authorities for comprehensive testing. This would be a highly desirable and advantageous arrangement in our situation, and I recommend that when the plan has been comprehensively outlined by the Bureau of Standards that this Commission lend its co-operation.

One plan looking to this end, which has been the subject of discussion in your Engineering Department, was to select two central points accessibly located, one on the Eastern and one on the Western Shore of the State, and equip each of these stations with a portable photometer and sulphur apparatus. By establishing such headquarters, say, one at Salisbury and the other at Hagerstown, all the gas works in the State could be economically reached, and gas testing could be carried on periodically, and at the same time gas and electric meter testing could be done at the same stations. This matter will be the subject of further report when the plan has been sufficiently outlined.

ACCIDENT INSPECTION.

Under this head special reports have been made to the Commission from time to time as and when accidents have oc-

curred and investigation has developed defects which could be remedied, and these remedies have, as a general rule, promptly followed orders of the Commission.

Following the previously adopted system, the accidents are tabulated, and the summaries are attached hereto for each public service corporation in the State, with the general summary of all accidents coming under the transportation division, and similarly for those coming under the utilities division.

In the transportation division there were 111 persons killed, of whom 73 were of the public and 38 were employees. There were 876 persons injured, of whom 199 were of the public and 677 employees.

In the utilities division there were 31 persons killed, of whom 25 were of the public and 6 were employees. There were 7,352 persons injured, of whom 5,730 were of the public and 1,622 were employees.

In both divisions there were 142 persons killed, of whom 98 were of the public and 44 were employees. There was a total of 8,228 injured, of whom 5,929 were of the public and 2,299 were employees. There was a total of 8,370 persons killed and injured.

In the total of persons injured coming under the utilities division a great majority of injuries was trivial.

Of persons killed on the railroad systems in the State, 11 were at highway grade crossings, 3 of whom were in vehicles. Seven persons were injured, of whom 6 were in vehicles.

Respectfully submitted,

CHARLES E. PHELPS, JR.,

Chief Engineer.

SUMMARY OF ELECTRIC METER TESTS FOR YEAR ENDED SEPTEMBER 30, 1911.

M Company.	New.	Old.	Completed.			Totals.	Company Totals.
			O.K.	Part.	Blow.		
Bt. & Power Company of Baltimore.	126	26				28	
"	34	5				5	
"		61				247	
"		34				140	
"		99				99	
"		12				12	
"		43				43	
"		15				15	
"		6				6	
"		7				7	
"	3	1				3	
"		1				1	
"		2				2	
"		1				1	
"		1				1	
iber and December, 1910.	277	267				544	616
Bt. & Power Company of Baltimore.	153	199				352	
"	1277	1005				2282	
"	542	20				562	
"	38	700				738	
"		221				221	
"	14	10				24	
"		277				277	
"		1				1	
"	85	121				206	
"		1				1	
"	11	76				87	
"		2				2	
"	26	26				52	
"	1					1	
"		19				19	
"		1				1	
"		7				7	
"	4	13				17	
"		4				4	
"		6				6	
"	3	5				8	
"	2	5				7	
"	4	1				5	
company, Oriskany, Md.						4	4915
tying Company, Catonsville, Md.	56					1	1
pany, Mt. Washington, Md.		2				2	58
"		1				1	3
.....	2217	2783				4999	4977
.....	277	267				544	615
.....	2494	2073				4567	5502

SUMMARY OF GAS METER TESTS FOR YEAR ENDED SEPTEMBER 30, 1911.

Size Lt.	Company.	New.			Old.			Complaint.			Totals.		Totals.	Company Totals.
		O.K.	Fast	Slow	O.K.	Fast	Slow	O.K.	Fast	Slow	O.K.	Fast		
3	Cumberland Gas Light Company.....				4	3	6				4	3	13	13
2	Consolidated Gas Electric Light & Power Company.....				10	3	24				10	3	37	7643
3	"				2		3				2		5	
5	"	1500	151	1154	2363	157	2022	1	1	5	3364	309	7354	
10	"	6	1	2	39	5	26				45	6	79	
20	"	6	1	4	27	3	17				33	4	58	
30	"	13		12	6	3	3				19	3	37	
45	"		1		23	1	9				22	2	33	
60	"	2			7	1	4				9	1	14	
80	"				5	1	7				5	1	12	
100	"				3	3	4				3	3	10	
150	"				3	1	1				3	1	5	
200	"				1		1				1		2	
250	"					1	1					1	2	
5	West Virginia & Maryland Gas Company.....												3	333
10	"	60	57	146	25	34	51				94	91	332	
60	"						8						3	
3	Havre de Grace Gas Company.....	9		1	3	2	2				12	2	17	13
5	"				1						1		1	
5	Home Gas Company.....	17	3								17	3	20	20
5	Hagerstown Light & Heat Company.....	2		11							2		13	13
	Totals, for October, November and December 1910....	1624	216	1331	2521	217	2134	1	1	5	4146	434	8100	8100
3	Annapolis Gas & Electric Light Company.....				6	3			1		6	1	10	13
5	"	1		1	1						1		1	
30	"												2	
3	Cambridge Gas, Electric Light & Power Company.....	10	1	9	20	2	11				30	3	53	57
5	"				2	1	1				2	1	3	
10	"												1	
3	Consolidated Gas Electric Light & Power Company.....				26	9	10				26	9	55	116
5	"				75	13	23				75	13	116	

5	Consolidated Gas Electric Light & Power Company.....	3108	871	560	6008	799	1926	8	1	8	9119	1171	2494	12784	13642
10	"	78	11	4	121	24	21	1		1	194	45	28	265	
20	"			1	101	21	27	1		1	101	21	29	151	
30	"	70	9	12	42	8	5				112	17	17	146	
45	"				30	6	1				30	6	1	87	
60	"	24		2	15	2	1				39	2	3	44	
80	"				12	1	2				12	1	2	15	
100	"	1		4	5	2	3				6	2	7	15	
150	"				4	1	2				4	1	2	7	
200	"				2	2	2				2	2	2	2	
250	"						3						3	5	
3	Consolidated Public Utilities Company.....	23		1	19	1	4				42	1	6	48	
5	"	3			1		1				4		1	4	
20	"						1							1	
3	Cumberland Gas Light Company.....				22	8	4				22	8	4	34	53
5	"				2	1					2	1		3	
10	"				1	1	1				1	1	1	3	
100	"				1						1			1	
3	Frederick Gas & Electric Company.....	5		1							5		1	6	41
5	"	33		3							33		1	36	
3	Hagerstown Light & Heat Company.....	281	4	72	121	10	31				402	14	108	519	42
5	"	102		12	7	1	2				109	1	14	124	
10	"	15		2	2		2				17		4	21	
20	"						1						1	1	
100	"						1						1	1	
3	Havre de Grace Gas Company.....	24		6	9	9	3				33	9	9	51	666
5	"				2	1					2	1		8	
3	Home Gas Company, Salisbury, Md.....	65	1	14	1		2				66	1	16	83	54
5	"	8		2							8		2	10	
5	Hyattsville Gas & Electric Company.....	65	1	9	8	1	3				73	2	12	87	98
5	Salisbury Gas Light Company.....	10									10				87
5	West Virginia & Maryland Gas Company.....				15	11	7				15	11	8	84	10
10	"	195	66	301	223	206	163	1		1	424	272	469	1165	
60	"						1						1	1	1200
	Totals for 1911.....	4116	464	1016	6919	1156	2270	4	2	11	11089	1622	3297	15958	15958
	Totals for 1910 brought down.....	1624	216	1331	2521	217	2184	1	1	5	4146	434	3520	8100	8100
	Grand Totals.....	5740	680	2347	9440	1373	4454	5	3	16	15135	2056	6817	24058	24058

GRAND SUMMARY OF METER TESTS.

Company.	Water.	Proportional	Gas.	Electric
Annapolis Gas and Electric Light Co.....			12	
Baltimore County Water and Electric Co.....	2			
Cambridge Gas, Electric Light and Power Co.....			57	
Consolidated Gas Electric Light and Power Co.....			21,290	5,590
Consolidated Public Utilities Co.....			53	
Cumberland Gas Light Co.....			54	
Crisfield Ice Manufacturing Co.....				1
Frederick Gas and Electric Co.....			42	
Hagerstown Light and Heat Co.....			679	
Havre de Grace Gas Co.....			72	
Home Gas Co., Salisbury.....			113	
Hyattsville Gas and Electric Co.....			87	
Salisbury Gas Light Co.....			10	
Mount Washington Electric Co.....				3
Patapsco Electric and Manufacturing Co.....				53
West Virginia and Maryland Gas Co.....		10	1,588	
Totals.....	2	10	24,058	5,592

Total Gas Meters Tested.....	24,058
Total Electric Meters.....	5,592
Total Proportional Meters.....	10
Total Water Meters Tested.....	2
Grand Total.....	29,662

SUMMARY OF GAS TESTS AND ANALYSES, CONSOLIDATED GAS ELECTRIC LIGHT & POWER COMPANY OF BALTIMORE.

	Candle Power.			B. T. U. Heating Value Gross Corrected.			Pressure.			Gravity.			Sulphur.		
	Max.	Min.	Ave.	Max.	Min.	Ave.	Max.	Min.	Ave.	Max.	Min.	Ave.	Max.	Min.	Ave.
December, 1910	23.31	20.45	22.15	701.5	655.3	681.8	2.40	2.20	2.28	.722	.610	.648	10.2	2.8	5.2
January, 1911	22.91	20.48	21.71	702.5	681.8	691.8	2.40	2.15	2.28	.700	.594	.634	13.6	4.7	8.8
February, 1911	22.47	20.58	21.88	750.1	609.3	701.5	2.55	2.30	2.44	.674	.573	.627	15.6	8.1	11.4
March, 1911	22.88	20.74	21.79	765.7	700.7	722.6	2.60	2.25	2.42	.679	.577	.608	14.2	6.1	9.4
April, 1911	23.04	21.16	21.98	754.4	588.7	704.8	2.50	2.25	2.20	.678	.569	.621	14.6	3.4	8.4
May, 1911	23.18	21.26	22.20	759.6	681.7	722.9	2.70	2.30	2.45	.688	.559	.620	14.6	4.4	8.1
June, 1911	22.60	20.89	21.23	757.6	587.8	698.6	2.85	2.30	2.57	.683	.532	.610	13.6	6.1	9.9
July, 1911	21.75	20.52	21.09	756.3	608.4	665.2	2.65	2.35	2.53	.647	.581	.608	15.9	7.8	10.8
August, 1911	23.21	21.47	22.56	686.7	635.2	656.9	3.00	2.40	2.59	.681	.590	.608	14.2	7.1	10.2
September, 1911	23.00	21.12	21.91	699.5	628.3	660.4	2.80	2.35	2.60	.648	.608	.618	14.9	6.8	10.8
October, 1911	22.80	21.30	22.20	684.8	639.3	656.6	2.30	2.30	2.54	.686	.591	.602	15.0	7.4	11.4
November, 1911	22.40	20.7	21.6	713.9	612.8	682.9	2.70	2.35	2.51	.641	.604	.614	12.9	5.7	9.6

Range in Average
Candle Power.
Maximum..... 22.56
Minimum..... 21.09

Range in Average
Heating Value.
722.9
656.6

Range in Average
Sulphur.
11.4
5.2

SUMMARY OF TESTS COMPLAINT METERS.

Gas Meters—		
Total Complaints		24
Total number over 2% fast		1
Electric Meters—		
Total Complaints		23
Total number over 4% fast.....		2
Water Meters—		
Total Complaints		2
Total number over 2% fast.....		2

PROPORTIONAL METERS.

Date. Test.	Size Meter.		Capacity.	Maker's No.	Approval No.	Quantity.
	Tally No.	Inlet In.				
May 8, 1911	4	6	30,000	2231	8342	1
May 8, 1911	4	6	25,000	2253	8343	1
May 9, 1911	4	6	30,000	1454	8344	1
May 9, 1911	2	4	15,000	2309	8345	1
May 9, 1911	2	4	15,000	1263	8346	1
July 8, 1911	2	4	15,000	2238	12866	1
July 8, 1911	2	4	10,000	2208	12867	1
July 10, 1911	4	6	25,000	2294	12868	1
July 10, 1911	4	6	25,000	2254	12869	1
July 10, 1911	4	6	30,000	2236	12870	1
	Total					10

SUMMARY OF PERSONAL ACCIDENT REPORTS OF THE BALTIMORE & OHIO RAILROAD COMPANY,
SEPTEMBER 30, 1911.

Class of Person	Totals, May-Sep-tember, 1910.		October, 1910.		November.		December.		Totals, May-Dec-ember, 1910.		January, 1911.		February.		March.		April.		May.		June.		July.		August.		September.		Totals, Oct. 1910-Sept. 1911.		Grand Totals to Oct. 1, 1911.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		
Public: On right of way..... Passengers..... Under contract.....	23	6	5	1	5	1	33	8	1	1	2	3	2	1	2	3	4	1	1	2	6	2	3	80	16	53	22
	.....	4	.....	.....	.....	.....	.....	.....	.....	4	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	16	.....
	.....	1	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	.....
	
Total Public....	23	11	5	1	.....	.....	5	1	33	13	1	.....	1	2	3	3	1	3	4	1	1	1	8	3	6	3	2	30	28	53	39
Employees: Trainmen..... Trackmen..... Yardmen and Switchmen .. Others.....	2	9	1	1	.....	1	.....	1	3	12	.....	15	.....	5	2	36	2	7	2	2	2	16	.....	7	8	.....	4	9	103	11	112
	5	13	.....	1	.....	.....	.....	.....	6	14	.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6	5	11	18
	3	15	.....	2	.....	1	.....	.....	3	18	.....	6	2	1	.....	5	.....	7	1	1	.....	6	.....	.....	3	.....	.....	3	34	6	49
	1	2	.....	.....	.....	.....	.....	.....	1	2	.....	1	.....	.....	.....	5	.....	.....	.....	.....	.....	2	.....	.....	1	.....	.....	8	12	4	14
T'l employees .	11	39	1	4	.....	2	1	1	13	46	1	22	2	6	2	47	2	14	5	7	3	20	1	13	2	14	1	4	21	154	193
Grand total	34	50	6	5	.....	2	6	2	46	59	2	22	3	8	5	50	3	17	8	11	4	21	2	21	8	17	4	6	51	182	232

SUMMARY OF PERSONAL ACCIDENT REPORTS OF THE NORTHERN CENTRAL RAILWAY COMPANY.

SEPTEMBER 30, 1911.

Class of Person	Totals, May-Sept. 1910.		October, 1910.		November.		December.		Total, May-Dec. 1910.		January, 1911.		February.		March.		April.		May.		June.		July.		August.		September.		Totals, Oct. 1910-Sept. 1911.		Grand Totals to Oct. 1, 1911.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		
Public:																																
On right of way.....	2	1									1	1					1	2				5		1	20					6	35	
Passengers.....		8		2						13									1						21				1	53		
Under con-tract.....																																
Total pub-lic.....	2	9		2			1	5	3	16	1	1			3	1	3	1	1	1	10		5		41		10	5	81	7	90	
Employees:																																
Trainmen.....		12		3		2		5		22		1		2		3	6				6		4		5		9	1	52	1	64	
Trackmen.....		14		2		5		9		30		3		2		2	1	1	4		2		2		10		2	1	44	1	58	
Yardmen and switchmen.....		17	1	8		8	1	11	2	44		4	9	9	2	7	7		1	4	2		7		1		3	3	66	3	83	
Other.....				2		2		3		7	9	2	9		7	13	13		15		13		11		8		1	4	98	4	98	
Total em-ployees.....		43	1	15	17	1	23	2	106		17	2	22		14	27	27	2	29		23		24		2	24	1	15	9	255	9	298
Grand total	2	52	1	17	17	2	33	5	119		18	3	22		17	30	30	3	30		33		29		3	65	1	25	14	336	16	388

SUMMARY OF PERSONAL ACCIDENT REPORTS OF THE PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD COMPANY.

SEPTEMBER 30, 1911.

Class of Person.	Totals, May-Sept. 1910.		October, 1910.		November.		December.		Totals, May-Dec. 1910.		January, 1911.		February.		March.		April.		May.		June.		July.		August.		September.		Totals, Oct. 1910-Sept. 1911.		Grand Totals to Oct. 1, 1911.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		
Public:																																
On right of way.....	6	4	5	3	2	1	1	1	12	9	2	1	1	1	1	1	4	3	2	1	1	1	1	1	1	1	1	1	18	12	24	16
Passengers.....		10							10			2						3			23		1		1				35		45	
Under contract.....																																
Total public.....	6	14	5	3	2	1	1	1	12	19	2	3	1	1	1	1	4	6	2	1	26	1	1	2	1	2	4	18	47	24	61	
Employees:																																
Trainmen.....		26		6	7		4		43		2	2	3		9		7		2		11		3		3		1		58		84	
Trackmen.....	1	13		2	2		1		18		2	2	1		1				1		1		2				2	1	15	2	28	
Yardmen and switchmen.....		5		1	1		1		8		3	3	1	1					1				1		3		2	1	14	1	19	
Others.....		12		3	3	1	5	1	23			2	1	3	5				3		6				1			3	30		42	
Total employees.....																																
Total employees.	1	56		12	13	1	11	2	92		9	2	8		15		7	1	7	1	18		6		6		5	5	117	6	173	
Grand total	7	70	5	15	15	2	11	14	111	2	12	3	8	1	15	2	4	13	2	7	2	44		7	2	8	9	23	164	30	234	

SUMMARY OF PERSONAL ACCIDENT REPORTS OF THE WESTERN MARYLAND RAILWAY COMPANY, SEPTEMBER 30, 1911.

Class of Person.	Totals, May-Sept. 1910.		October, 1910.		November.		December.		Totals, May-Dec. 1910.		January, 1911.		February.		March.		April.		May.		June.		July.		August.		September.		Totals, Oct., 1910-Sept., 1911.		Grand Totals to Oct. 1, 1911.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		
Public:																																
On right of way	4	5	1	1	1	1	1	1	5	8	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
Passengers	24	24	1	1	1	1	1	1	27	27	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
Under contract	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
Total public	4	30	1	1	2	2	2	2	33	36	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
Employees:																																
Trainmen	3	46	4	4	4	4	4	4	61	61	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4		
Trackmen	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
Yardmen and switchmen	16	16	3	3	3	3	3	3	23	23	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3		
Others	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
Total employees	4	63	7	7	13	13	15	15	86	86	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8		
Grand total.	8	93	8	8	15	15	16	16	119	122	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9		

*No reports received for April.

SUMMARY OF PERSONAL ACCIDENT REPORTS OF THE MINOR STEAM RAILROAD COMPANIES IN MARYLAND.
SEPTEMBER 30, 1911.

Class of Person.	Totals, May-Sept. 1910.		October, 1910.		November		December.		Totals, May-December, 1910.		January, 1911.		February.		March.		April.		May.		June.		July.		August.		September.		Totals, Oct., 1910-Sept., 1911.		Grand totals to Oct. 1, 1911.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		
Public:																																
On right of way	2	1									1						1						2	1	1	1		1		4	6	4
Passengers		1																					1								4	
Under contract																															1	4
Total public	2	1									1						1						3	1	2	1		1		5	7	8
Employees:																																
Trainmen		2											1				6		1						1				18		20	
Trackmen																	3												3	1	3	
Yardmen and Switchmen		1															1		1					1					5		6	
Others																	1		1										4		4	
Total Employees		3									2			1			8		2				10		1				24		33	
Grand total	2	4							2	4		3		1			2	12	3			1	11	10	1	3		2	6	8	41	

*No reports received.

**SUMMARY OF PERSONAL ACCIDENT REPORTS OF THE UNITED RAILWAYS AND ELECTRIC COMPANY OF BALTIMORE.
SEPTEMBER 30, 1911.**

Class of Person.	Totals, May-Sept. 1910.		October, 1910.		November.		December.		Totals, May-Dec. 1910.		January, 1911.		February.		March.		A		B		Totals Oct. 1910- Sept. 1911		Grand Totals to Oct. 1, 1911.		
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	
Public:																									
Public	18	269	4	78	3	59	3	50	23	450	53	60	68	2	68	1	68	1	68	1	68	17	744	30	1013
Passengers	2474	1	1	923	360	360	359	359	13432	291	291	294	243	2	243	1	482	1	482	1	482	44640	4	7114	
In vehicles.....	2	107	23	23	23	23	43	43	2	207	17	15	16	16	16	11	18	18	18	18	25	563	2	570	
Total pub- lic.....	152850	5	431	2	446	2	422	264149	2831	2831	309	309	2	427	2	572	2	572	2	572	213347	56	9497		
Employees:																									
On cars.....	237	1	1	37	23	23	36	36	1	336	37	22	35	35	35	40	40	40	40	44	44	2	501	3	738
On track.....	141	43	43	43	31	31	16	16	231	15	15	6	30	30	25	13	13	13	13	14	14	486
In shop and car barns.....	194	28	28	28	28	28	20	20	284	9	7	7	27	27	9	15	15	15	15	15	15	400
Others.....	11	1	1	1	1	1	1	1	1	1	12	1	12	3	3	19	19	19	19	23	23	1	145	1	154
Total em- ployees.....	598	1	108	90	90	90	90	90	1	397	78	47	95	95	95	113	113	113	113	154	154	84	41177	4	1769
Grand total	153450	6	539	2	536	2	508	275016	434	434	434	1	856	2	522	2	726	2	726	2	726	263324	40	10387	

**SUMMARY OF PERSONAL ACCIDENT REPORT OF
ALL TRANSPORTATION COMPANIES IN THE STATE OF MARYLAND.
SEPTEMBER 30, 1911.**

Class of Person.	Baltimore and Ohio Railroad Company.		Northern Central Railway Co.		Philadelphia, Baltimore and Washington Railway Co.		Western Mary- land Railway Co.		Minor Steam Railroad Co's.		Grand Totals to Oct. 1, 1911.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Public.												
On right of way	30	16	4	34	18	12	5	15	4	4	61	81
Passengers.....	.....	12	1	45	.....	35	.....	20	1	3	2	115
Under contract.....	.....	.....	.....	2	.....	.....	.....	1	.....	.....	.....	3
Total Public.....	30	28	5	81	18	47	5	36	5	7	63	199
Employees.												
Trainmen.....	9	103	1	52	.....	53	1	76	.....	13	11	307
Trackmen.....	6	5	1	44	1	15	1	4	1	3	10	71
Yardmen and switchmen.....	3	34	3	66	1	14	.....	25	.....	5	7	144
Others.....	3	12	4	93	3	30	.....	16	.....	4	10	155
Total employees.....	21	154	9	255	5	117	2	121	1	30	38	677
Grand Total.....	51	182	14	336	23	164	7	157	6	37	101	876

SUMMARY OF PERSONAL ACCIDENT REPORTS OF CONSOLIDATED GAS ELECTRIC LIGHT AND POWER COMPANY OF BALTIMORE.
SEPTEMBER 30, 1911.

Class of Person.	Totals, May-Sept. 1910.		October, 1910.		November.		December.		Totals, May-Dec. 1910.		January, 1911.		February.		March.		April.		May.		June.		July.		August.		September.		Totals, Oct., 1910, Sept., 1911.		Grand Totals to Oct. 1, 1911.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		
Public:	1	9		2		3		2	1	16	1		1		1		3				3		2			4			26	1	35	
		5		1						8															1			4		9		
						1		28		29																1		30		30		
Total public	1	14		3		4		32	1	53	1		1		1		3				3		2			5		60	1	74		
Employees:	1	46		12		8		19	1	85	3		10		8		3			9		13	6		17		5		118	3	164	
		16		2		3		19		40	18		18		10	5			10		10	11			6		131		147			
		87		20		40		14		161	1		2		1	2		2		6	17	10	6		3		122		209			
		2		3						5					7		17		6		4		10	3		5		55		57		
T'l employees	1	151		37		51		52	1	291	22		30		26		32		31		44	44	45	37		19		426	2	577		
Grand total..	2	165		40		55		84	2	344	23		31		27		35		31		47	47	47	42		24		436	4	651		

SUMMARY OF PERSONAL ACCIDENT REPORTS OF MINOR GAS AND ELECTRIC COMPANIES IN MARYLAND.
SEPTEMBER 30, 1911.

Class of Person.	Reported Last Year.		Engine and Boiler Rooms.		Switchboards and Vaults.		On Poles.		By Wire.		Transformers and Meters.		Underground		Trivial.		Total for Electric Dept.		At Gas Works.		Excavations.		Asphyxiation.		Trivial.		Total for Gas Department.		Totals, Oct. 1910-Sept. 1911.		Grand Total to Oct. 1, 1911.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		
Public:																																
Street or station	1																															
Consumer's prem																																
Other places									1 2																							
Total public	1								3																							
Employees:																																
Construction		1																														
Operation															1																	
General																																
Other																																
Total employees		1													1																	
Grand total	1	1							3						1																	

Company.	Date.		Killed.
	November 10, 1910.	July 21, 1911.	
Crisfield Ice Manufacturing Co			1
Mt. Washington Electric Light and Power Co			1
Baltimore County Water and Electric Company	May 29, 1911 }	June 15, 1911 }	2

SUMMARY OF PERSONAL ACCIDENT REPORTS OF ALL UTILITY COMPANIES IN THE STATE OF MARYLAND.
DATE SEPTEMBER 30, 1911.

Class of Person	United Railways and Electric Co.		Consolidated Gas Electric Light and Power Co.		All Other Electric Railways.		All Other Gas and Electric Light Companies.		Grand Total to to Oct. 1, 1911.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Public:										
On street.....	17	744	.....	26	9	5	2	.....	23	775
In company territory.....	4	4640	.....	4	.....	13	1	.....	5	4662
Vehicles and other places.....	.....	263	.....	30	1	.....	.....	.....	1	233
Total public.....	21	5647	.....	60	10	23	3	.....	34	5780
Employees:										
Cars or construction.....	3	501	2	118	.....	12	1	.....	6	631
Track or operation.....	.....	325	.....	131	.....	2	.....	4	.....	462
In company territory.....	.....	206	.....	122	.....	.....	.....	.....	.....	323
Others.....	1	145	.....	55	.....	1	.....	.....	1	201
Total employees.....	4	1177	2	426	.....	15	1	4	7	1623
Grand total.....	25	6824	2	486	10	38	4	4	41	7352

TRANSPORTATION COMPANIES.

PERSONS KILLED.

SEPTEMBER 30, 1910, TO OCTOBER 1, 1911.

Company.	Public.	Employees.	Total.
Baltimore and Bel Air Electric Railways Co.....	1	.....	1
Baltimore and Ohio Railroad Co.....	30	21	51
Baltimore, Chesapeake and Atlantic Railways Co.....	2	.....	2
Cumberland and Pennsylvania Railroad Co.....	.....	1	1
Cumberland and Westernport Railroad Co.....	2	.....	2
Maryland Electric Railways Co.....	5	.....	5
New York, Philadelphia and Norfolk Railroad Co.....	3	.....	3
Northern Central Railways Co.....	5	9	14
Philadelphia, Baltimore and Washington Railroad Co.....	18	5	23
Washington, Baltimore and Annapolis Electric Railways Co..	1	.....	1
Washington and Rockville Railways Co.....	1	.....	1
Western Maryland Railways Co.....	5	2	7
Totals	73	38	111

TRANSPORTATION COMPANIES. PERSONS INJURED.

SEPTEMBER 30TH, 1910, TO OCTOBER 1ST, 1911.

Company.	Public.	Em- ployees.	Total.
Baltimore & Ohio Railroad Company.....	28	154	182
Northern Central Railways Company.....	81	255	336
Philadelphia, Baltimore & Washington Railroad Company.....	47	117	164
Western Maryland Railroad Company.....	86	121	157
All other Railroads in Maryland.....	7	30	37
Totals	199	677	876

**PUBLIC UTILITIES COMPANIES. PERSONS KILLED.
SEPTEMBER 30TH TO OCTOBER 1ST, 1911.**

Company.	Public.	Em- ployees.	Total.
Baltimore County Water & Electric Co.....	2	.....	2
Consolidated Gas Electric Light & Power Co.....	.....	2	2
Crisfield Ice & Electric Co.....	1	.....	1
Mount Washington Electric Light & Power Co.....	1	.....	1
United Railways & Electric Co.....	21	4	25
Totals.....	25	6	31

**PUBLIC UTILITIES COMPANIES. PERSONS INJURED.
SEPTEMBER 30TH, 1910, TO OCTOBER 1ST, 1911.**

Company.	Public.	Em- ployees.	Total.
Consolidated Gas Electric Light & Power Co.....	60	426	486
All other Gas & Electric Companies in Maryland.....	.....	4	4
United Railways & Electric Company.....	5647	1177	6824
All Minor Electric Railways in Maryland.....	23	15	38
Totals.....	5730	1622	7352

**SUMMARY OF PERSONS KILLED AND INJURED
SEPTEMBER 30TH, 1910, TO OCTOBER 1ST, 1911.
TRANSPORTATION AND PUBLIC UTILITIES COMPANIES IN MARYLAND.**

	Persons Killed.			Persons Injured.		
	Public.	Em- ployees.	Total.	Public.	Em- ployees.	Total.
Transportation companies.....	73	38	111	199	677	876
Public utilities companies.....	25	6	31	5730	1622	7352
Totals.....	98	44	142	5929	2299	8228

TOTAL PERSONS KILLED AND INJURED, 8370.

APPENDIX V.

PRELIMINARY STATEMENT.

The corporations named below are operated as parts of other systems, but the operations thereon are separately reported in whole or in part:

STEAM RAILROADS.

CORPORATION REPORTING.

CORPORATION OPERATING.

Baltimore Belt R. R. Co.....	Baltimore & Ohio R. R. Co.
Confluence & Oakland R. R. Co....	Baltimore & Ohio R. R. Co.
Lancaster, Cecil & So. R. R. Co....	Baltimore & Ohio R. R. Co.
Metropolitan Southern R. R. Co....	Baltimore & Ohio R. R. Co.
Patters'n Creek & Potomac R. R. Co.	Baltimore & Ohio R. R. Co.
Pittsburg & Connellsville R. R. Co..	Baltimore & Ohio R. R. Co.
Washington County R. R. Co.....	Baltimore & Ohio R. R. Co.
Columbia & Port Deposit Ry. Co...	Phila., Balto. & Wash. R. R. Co.
Delaware R. R. Co.....	Phila., Balto. & Wash. R. R. Co.
Delaware, Md. & Vir. R. R. Co....	Phila., Balto. & Wash. R. R. Co.
Elkton & Middleton R. R. Co.....	Phila., Balto. & Wash. R. R. Co.
Phila. & Balto. Central R. R. Co....	Phila., Balto. & Wash. R. R. Co.
Md. & Pa. Terminal Ry. Co.....	Maryland & Pennsylvania R. R. Co.
York, Hanover & Fred'k R. R. Co...	Northern Central Ry. Co.

ELECTRIC RAILROADS.

CORPORATION REPORTING.

CORPORATION OPERATING.

Balto., Sparrows Pt. & Ches. Ry. Co.	United Railways & Electric Co.
Balto., Haleth'pe & Elkr'ge Ry. Co..	United Railways & Electric Co.
Loraine Electric Ry. Co.....	United Railways & Electric Co.
Hagerstown & Boonesboro Ry. Co..	Hagerstown Railway Co.
Hagerstown & Myersville Ry. Co...	Hagerstown Railway Co.
Hagerstown & Northern Ry. Co....	Hagerstown Railway Co.
Sandy Springs Ry. Co.....	Kensington Railway Co.
Washington & Glen Echo R. R. Co..	Wash. Ry. & Electric Co.

ELECTRIC LIGHT COMPANIES.

CORPORATION REPORTING.

CORPORATION OPERATING.

Baltimore Electric Light Co.....	Con. Gas Elec. Light & Power Co.
Roland Pk. Electric & Water Co....	Con. Gas Elec. Light & Power Co.

FRAGMENTARY REPORTS.

The following abstracts are from the reports of various corporations which were rendered in such incomplete or otherwise defective form as to furnish little or no material for the statistical statements. Where inconsistencies were shown in the figures given or where information called for was not given the reporting corporation was notified but failed to correct the figures or supply the information required:

AMERICAN TRANSPORTATION COMPANY.

Receipts, none. Disbursements \$3.05 paid taxes.

BACHMAN VALLEY RAILROAD CO.

Report gives capital stock, \$68,150. Debt, \$3,000. Total revenues, \$868.40, mileage "about 4.5 miles."

E. A. C. BUCKEY.

A private plant costing about \$10,000. Revenue, \$1,650. Operating expenses, \$1,094. Has about 4 miles of pole lines, 32 consumers and 29 incandescent street lamps.

CHESTERTOWN GAS CO.

Organized June 7th, 1911. Transacted no business other than organization during year ended June 30, 1911.

ELKTON GAS CO.

Private ownership; no capital stock. Plant cost about \$25,000. Net revenue about \$1,125 for the year.

FROSTBURG-GRAHAMTON WATER CO.

A co-operative water company at Frostburg, Md. Report gives no capital stock. Revenue, \$384.11. Expenses, \$126.75.

FROSTBURG & STATE LINE ELEC. RY., LIGHT & POWER CO.

Organized and capital stock, \$12,000 issued, but no construction work yet done.

HAGERSTOWN & CLEAR SPRING RAILWAY CO.

Construction of road not yet commenced. Five shares of stock issued for organization purposes.

HIGHLAND TELEPHONE CO. OF HARFORD COUNTY.

Capital stock, \$20,000. Mileage "about 200 miles of pole lines and 1,000 miles of wire." No other information.

KENSINGTON RAILWAY CO.

No information given regarding capital stock or funded debt. Total receipts from operation, \$8,987.92. Operating expenses, \$6,173.49. Interest, \$1,750. Taxes, \$111.23.

LYNCH RURAL TELEPHONE CO.

Report gives \$9.83 cash on hand, and \$5.90 exchange revenue. No other information.

MANOR LAND & OAKLAND RAILROAD CO.

Small steam road 12/100 miles in length. Operated by the Kendall Lumber Co. Has no capital stock; no separate accounts kept. Will be scrapped this year.

MAPLEVILLE TELEPHONE CO.

A small country line connecting with Chesapeake & Potomac Telephone Co. at Hagerstown and Keedysville. Has about 5½ miles of pole lines.

ORIOLE TELEPHONE CO.

A small country line. Has \$800 capital stock. Revenue and expenses less than \$400 per year; 17 subscribers.

PRESTON RAILROAD CO.

Small steam road 14/100 miles in length. Operated by the Kendall Lumber Co. Has no capital stock; no separate accounts kept.

ROUZERVILLE WATER CO.

Capital stock, \$3,500. Total revenue, \$800. Operating expenses, \$665.

RINGGOLD TELEPHONE CO.

No information given other than names of officers.

SILVER RUN TELEPHONE CO.

No information given regarding capital stock, debt, revenue or expenses.

TOWSON & COCKEYSVILLE ELECTRIC RY. CO.

Construction of road just commenced; \$49,500 subscribed for capital stock; \$23,467 paid in; \$22,523 expended for construction and general expenditures.

UNION TRANSFER CO.

Capital invested in Maryland, \$43,056. Revenue for year, \$43,339. Expenses, \$40,689.

WASHINGTON, WESTMINSTER & GETTYSBURG RAILROAD CO.

Capital stock, \$579,800. No balance sheet or other information.

WASHINGTON, POTOMAC & CHESAPEAKE RAILWAY CO.

Capital stock, \$500,000. Funded debt, \$100,000. No balance sheet. Total revenues, \$41,896. Total expenses, \$55,036.

WESTERN UNION TELEGRAPH CO. OF BALTIMORE CITY.

Is operated as part of the Western Union Telegraph System. Capital stock, \$60,000. Has 1,020 miles of pole lines; 17,306 miles of wire. Revenue and expenses not kept separate from system accounts.

CORPORATIONS NOT REPORTING.

Annapolis and West River Transportation Co.
Baltimore and Eastern Shore Transportation Co.
Baltimore Steamboat Co.
Chesapeake Beach Railway Co.
Centreville Light, Heat and Power Company.
Citizens Telephone Co. of Talbot County.
Chesapeake Tributaries Transportation Co.
Ellicott City Water Co.
Glen Burnie Electric Light and Power Co.
Morgan Creek Telephone Co.
Peninsular Light and Power Co.
Rock Creek and Marley Telephone Co.
Southern Maryland Telephone Co.
Walkersville Water Co.

ALPHABETICAL LIST OF CORPORATIONS REPORTING, SHOWING CAPITALIZATION, AND INTEREST ACCRUED AND DIVIDENDS DECLARED, SO FAR AS REPORTED.

Marginal Number.	Title of Corporation.	Capital Stock.	Funded Debt.	Total Capitalization.	Interest Accrued on Funded Debt.	Dividends Declared on Capital Stock.
82	Annetam Electric Light and Power Co.	\$11,500 00	89,000 00	320,500 00	9405 00	.....
222	Annapolis Gas and Electric Light Co.	100,000 00	190,000 00	320,000 00	10,300 00	36,000 00
72	Annapolis Water Co.	61,450 00	15,000 00	76,450 00	760 00	3,637 00
82	Adams Express Co.	.....	30,454,000 00	20,454,000 00	820,229 00	1,211,250 00
2	62,160 00	2,000 00	71,160 00	.....	.....
6	6,000,000 00	6,000,000 00	12,000,000 00	300,000 00	.....
2	210,907,751 00	825,062,708 00	635,978,437 00	12,491,328 00	11,478,144 00
6	150,000 00	.....	150,000 00	.....	75,000 00
12	46,200 00	.....	46,200 00	.....	224 00
6	2,500,000 00	1,280,000 00	2,780,000 00	64,943 00	105,000 00
16	10,000 00	108,700 00	118,700 00	4,324 00	.....
16	..... Co.	400,000 00	2,483,970 00	2,883,970 00	107,784 00	.....
2	600,000 00	1,700,000 00	2,300,000 00	70,333 00	.....
36	2,500,000 00	2,721,000 00	7,221,000 00	186,060 00	60,000 00
32	30,800 00	18,000 00	57,800 00	810 00	.....
32
722	300,000 00	917,000 00	1,207,000 00	41,972 00	.....
72	100,000 00	.....	100,000 00	.....	.....
72	49,500 00	43,500 00	98,000 00	2,210 00	.....
72	10,000 00	10,000 00	20,000 00	500 00	.....
92	281,400 00	.....	281,400 00	.....	22,140 00
14	16,000 00	.....	16,000 00	.....	.....
14	761,200 00	1,221,000 00	2,042,200 00	64,050 00	.....
6	200,000 00	120,000 00	320,000 00	6,000 00	.....
2	1,500,000 00	1,908,000 00	3,108,000 00	81,968 00	50,000 00
2	6,333,550 00	27,102 00	6,360,652 00	1,300 00	428,676 00
6	1,000,000 00	1,300,000 00	2,300,000 00	72,000 00	50,000 00
12	1,780,000 00	1,780,000 00	3,560,000 00	87,600 00	.....
12	100,000 00	100,000 00	200,000 00	5,000 00	5,000 00
12	625,000 00	662,800 00	1,287,800 00	28,218 00	.....
32	15,000 00	15,000 00	30,000 00	750 00	.....
1	100,000 00	100,000 00	200,000 00	6,000 00	.....
222	12,460,053 00	24,972,000 00	38,432,053 00	1,164,346 00	780,105 00
222	187,540 00	128,000 00	315,540 00	3,900 00	.....
12	12,000,000 00	4,000,000 00	16,000,000 00	300,000 00	720,000 00
72	22,000 00	2,500 00	24,500 00	180 00	.....
82	80,000 00	.....	80,000 00	.....	5,000 00
82	12,000,700 00	1,391,000 00	14,291,700 00	64,660 00	910,000 00

GREENSBORO MANUFACTURING CO.
Cheneyville and Potomac Telephone Co.

* 100,000 Shares Hines' issued "no par value."

56	Cumberland Valley Telephone Co.	\$122,150 00		\$122,150 00			
56	Cecil County Farmers' Telephone Co.	12,450 00		12,450 00			
56	Chesapeake Lightering and Towing Co.	30,000 00		30,000 00			\$4,300 00
56	Chester River Steamboat Co.	100,000 00		100,000 00			
6	Delaware Railroad Co.	5,072,000 00	\$935,000 00	5,912,000 00	\$25,500 00		404,943 00
6	Delaware, Maryland and Virginia Railroad Co.	884,768 00	1,024,000 00	1,561,768 00	37,550 00		
56	Diamond State Telephone Co.	201,000 00	500,000 00	701,000 00	25,000 00		
6	..... Co.	76,500 00		76,500 00			
6	..... Co.	50,000 00		50,000 00			1,000 00
22	..... Co.	50,000 00		50,000 00			2,500 00
22	..... Co.	50,000 00		50,000 00			
72	..... Co.	12,000 00		12,000 00			900 00
12	..... Co.	800,000 00	471,300 00	1,291,300 00	24,125 00		
12	..... Co.	12,000 00		12,000 00			
22	..... Co.	10,000 00	50,000 00	60,000 00	2,500 00		
22	Frederick Gas and Electric Co.	200,000 00	151,500 00	351,500 00	9,075 00		4,000 00
72	Fruitburg Water Co.	9,850 00	2,000 00	11,850 00	120 00		
52	Farmers and Merchants Telephone Co.	30,840 00		30,840 00			2,025 00
6	..... Co.	8,500,000 00		8,500,000 00			72,715 00
22	..... Co.	10,000 00		10,000 00			
52	..... Co.	16,000 00		16,000 00			
52	..... Co.	50,000 00		50,000 00			
-	..... Co.	1,022,400 00	1,700,000 00	2,722,400 00	14,166 00		
12	..... Co.	300,000 00	600,000 00	1,010,000 00	22,500 00		
22	..... Co.	200,000 00	165,700 00	365,700 00	8,225 00		8,600 00
22	..... Co.	50,000 00		50,000 00			
22	..... Co.	12,825 00		12,825 00			
22	..... Co.	50,000 00	50,000 00	100,000 00	2,500 00		
22	..... Co.	80,000 00		80,000 00			4,800 00
22	..... Co.	55,000 00		55,000 00			
22	..... Co.	20,000 00		20,000 00			
52	..... Co.	1,180 00		1,180 00			
-	..... Co.	17,000 00	11,000 00	28,000 00	600 00		
22	Edgewood Electric Light, Heat and Power Co.	200,000 00	200,000 00	400,000 00	10,000 00		
6	..... Co.	5,000 00		5,000 00			
16	..... Co.	15,000 00		15,000 00			600 00
22	..... Co.	70,000 00		70,000 00			
72	..... Co.	1,002,500 00	1,747,350 00	2,750,000 00	1,080 00		
2	..... Co.	1,300,000 00	1,300,000 00	2,600,000 00	84,707 00		
6	..... Co.	8,000,000 00	2,057,000 00	10,057,000 00	102,280 00		
6	..... Co.	200,000 00	200,000 00	400,000 00	10,000 00		
12	..... Co.	1,200,000 00	5,040,000 00	6,240,000 00	252,145 00		
22	..... Co.	5,000 00		5,000 00			750 00

ALPHABETICAL LIST OF CORPORATIONS REPORTING—(Continued.)

Marginal Number.	Title of Corporation.	Capital Stock.	Funded Debt.	Total Capitalization.	Interest Accrued on Funded Debt.	Dividends Declared on Capital Stock.
32	Power Co.	\$28,280 00	\$15,000 00	\$28,280 00	\$800 00	.....
33	.....	5,380 00	.....	5,380 00	.....	.....
72	.....	30,000 00	30,000 00	60,000 00	1,510 00	.....
72	.....	8,500 00	.....	8,500 00	.....	.....
72	.....	41,500 00	29,000 00	70,500 00	1,450 00	.....
73	.....	20,350 00	.....	20,350 00	.....	.....
72	.....	20,000 00	.....	20,000 00	.....	.....
52	.....	300 00	.....	300 00	.....	.....
54	.....	1,000,000 00	1,000,000 00	2,000,000 00	50,000 00	.....
6	Norfolk Railroad Co.	2,500,000 00	8,500,000 00	6,100,000 00	144,000 00	\$800,000 00
6	.....	19,342,550 00	7,314,215 00	26,656,765 00	374,506 00	1,547,400 00
2	..... Co.	97,275,700 00	108,455,500 00	205,731,200 00	4,733,886 00	4,418,306 00
42	.....	100,000 00	.....	100,000 00	.....	.....
52	and Water Co.	4,800 00	.....	4,800 00	.....	.....
53	Orion Telephone Co.	800 00	.....	800 00	.....	.....
6	Patterson Creek and Potomac Railroad Co.	20,000 00	.....	20,000 00	.....	.....
6	.....	26,128,000 00	24,463,498 00	48,601,438 00	1,051,405 00	1,005,680 00
6	.....	1,944,632 00	14,000,000 00	15,944,632 00	600,000 00	.....
6	.....	2,497,150 00	2,351,513 00	4,738,663 00	105,580 00	.....
32	.....	225,000 00	.....	225,000 00	.....	.....
32	.....	8,125 00	.....	8,125 00	.....	.....
73	.....	10,500 00	.....	10,500 00	.....	.....
72	.....	10,000 00	6,500 00	16,500 00	405 00	1,150 00
52	.....	49,900 00	26,374 00	70,274 00	1,250 00	.....
52	.....	4,000 00	.....	4,000 00	.....	.....
52	.....	1,000 00	.....	1,000 00	.....	350 00
52	.....	50,000 00	.....	50,000 00	.....	.....
52	.....	198,898 00	.....	198,898 00	.....	.....
32	..... land	116,510,600 00	.....	116,510,600 00	.....	9,445,968
22	Queenstown—Love Point Transportation and Development Co.	106,250 00	100,000 00	206,250 00	6,000 00	.....
2	.....	21,125 00	.....	21,125 00	.....	.....
72	.....	10,600 00	.....	10,600 00	.....	580 00
34	..... Co.	15,000 00	300,000 00	325,000 00	16,000 00	.....
72	.....	.....	155,000 00	155,000 00	6,750 00	.....
32	Salisbury Light, Heat and Power Co.	100,000 00	60,500 00	160,500 00	8,100 00	.....
32	Snow Hill Electric Light and Power Co.	15,000 00	.....	15,000 00	.....	.....
32	Staquebanna Power Co.	400,000 00	2,485,000 00	2,885,000 00	136,550 00	.....

72	.....	250,000 00	200,000 00	210,000 00	32,000 00	.....
72	.....	100,000 00	70,000 00	170,000 00	.....	.....
52	.....	2,450 00	.....	2,450 00	.....	.....
32	.....	500 00	.....	500 00	.....	.....
92	Tolchester Beach Improvement Co.....	253,000 00	.....	253,000 00	.....	320,240 00
6	Union Railroad Co.....	2,100,000 00	5,478 00	2,105,478 00	323 00	1,050,000 00
12	United Railways and Electric Co.....	15,022,000 00	55,064,000 00	71,136,000 00	1,942,619 00	.....
72	.....	11,745 00	.....	11,745 00	.....	.....
52	.....	6,500 00	.....	6,500 00	.....	244 00
52	.....	10,000,000 00	.....	10,000,000 00	.....	600,000 00
6	.....	922,630 00	.....	922,630 00	.....	.....
2	.....	500,000 00	100,000 00	600,000 00	5,000 00	.....
16	.....	200,000 00	250,000 00	450,000 00	15,000 00	.....
2	.....	59,439,230 00	49,094,000 00	108,533,230 00	2,042,280 00	400,000 00
12	.....	50,000 00	45,000 00	95,000 00	2,250 00	.....
12	d Co.....	4,460,000 00	4,783,000 00	9,243,000 00	59,783 00	.....
12	.....	15,000,000 00	12,387,768 00	27,387,768 00	523,170 00	551,314 00
12	.....	35,000 00	40,000 00	75,000 00	2,400 00	.....
22	.....	10,000 00	.....	10,000 00	.....	.....
22	.....	30,000 00	.....	30,000 00	.....	.....
22	.....	1,250,000 00	1,127,000 00	2,377,000 00	67,315 00	37,600 00
72	.....	320,000 00	340,600 00	660,600 00	13,680 00	12,800 00
62	.....	60,000 00	.....	60,000 00	.....	.....
52	.....	100,000 00	165,000 00	265,000 00	3,650 00	4,000 00
92	.....	600,000 00	.....	600,000 00	.....	.....
12	Washington Spa Spring and Greta Railroad Co.....	500,000 00	170,000 00	670,000 00	4,250 00	.....
6	York, Hanover and Frederick Railroad Co.....	400,000 00	150,000 00	550,000 00	8,000 00	.....

TABLES.

STEAM RAILROAD CORPORATIONS.

1. Assets, liabilities and surplus, with classification.
2. Securities of all classes, outstanding June 30, 1911.
3. Funded debt and capital stock, with rate of interest on bonds and dividends on stocks.
4. Cost of road and equipment and cost per mile of road.
5. Gross income, with deductions, payments, etc.
6. Operating revenue, with classification, etc.
7. Operating expenses, with distribution, etc.
8. Average daily salaries and wages of officers and employees.
9. Mileage operated, bridges, tunnels, etc.
10. Description of equipment.
11. Passengers carried, passenger and freight statistics, etc.
12. Classification of commodities, amounts of each, etc.
13. Casualties, classified as to passengers, employees, etc.

ELECTRIC RAILROAD CORPORATIONS.

14. Assets, liabilities and surplus, with classification.
15. Cost of road and equipment and cost per mile of road.
16. Securities of all classes outstanding June 30, 1911.
17. Funded debt, including debt of controlled roads.
18. Gross income, with deductions, payments, etc.
19. Operating revenue, with classification, etc.
20. Operating expenses, with distribution, etc.
21. Traffic revenue, passengers carried, car mileage, etc.
22. Mileage operated and equipment owned, with classification.
23. Casualties, classified as to passengers, employees, etc.

ELECTRIC LIGHT CORPORATIONS.

24. Assets, liabilities and surplus, with classification.
25. Gross income, with deductions, payments, etc.
26. Funded debt and capital stock, with rate of interest on bonds and dividends on stocks.
27. Operating statistics for year ended June 30, 1911.
28. Operating statistics for year ended June 30, 1911.
29. Casualties, classified as to employees and others.

GAS AND ELECTRICAL CORPORATIONS.

30. Assets, liabilities and surplus, with classification.
31. Gross income, with deductions, payments, etc.
32. Funded debt and capital stock, with rate of interest on bonds and dividends on stocks.
33. Operating statistics for year ended June 30, 1911.
34. Casualties, classified as to electrical and gas corporation employees.

WATER CORPORATIONS.

35. Assets, liabilities and surplus, with classification.
36. Gross income, with deductions, payments, etc.
37. Funded debt and capital stock, with rate of interest on bonds and dividends on stocks.
38. Supply and service, classification of, for year ended June 30, 1911.
39. Casualties, classified as to employees and others.

TELEPHONE AND TELEGRAPH CORPORATIONS.

40. Assets, liabilities and surplus, with classification.
41. Gross income, with deductions, payments, etc.
42. Funded debt and capital stock, with rate of interest on bonds and dividends on stocks.
43. Operating statistics for year ended June 30, 1911.
44. Casualties, classified as to employees and others.

OTHER CORPORATIONS.

45. Assets, liabilities and surplus, with classification, interest on funded debt, and dividends paid on capital stock.

TABLE

Showing for Each of the Steam Railroad Corporations Named Therein the Amounts of Assets.

Title of Corporation.	Assets.	
	Total Amount	Increase Over
	June 30, 1911. 1	June 30, 1910. 2
1. Baltimore Belt Railroad Co.....	12,441,801	38,131
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	4,269,644	3,063
3. Baltimore & Ohio R. R. Co.....	596,937,179	2,163,329
4. Baltimore & Sparrows Point R. R. Co.....	215,553	15,418
5. Bedford & Bridgeport Ry. Co.....	2,352,264	11,894
7. Columbia & Port Deposit Ry. Co.....	3,495,728	83,727
8. Confluence & Oakland R. R. Co.....	329,852	49
9. Cumberland & Penna. R. R. Co.....	5,493,109	32,805
10. Cumberland Valley R. R. Co.....	8,091,501	463,057
11. Delaware R. R. Co.....	7,967,391	.....
12. Delaware, Maryland & Virginia R. R. Co.....	1,837,848	13,107
13. Elkton & Middleton R. R. Co.....	81,757	263
14. Emmitsburg R. R. Co.....	65,427	1,203
15. George's Creek & Cumberland R. R. Co.....	4,727,667	928,494
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....	2,769,487	.....
17. Lancaster, Cecil & Southern R. R. Co.....	402,562	.....
18. Maryland, Delaware & Virginia Ry. Co.....	5,184,865	34,764
19. Maryland & Pennsylvania R. R. Co.....	4,271,767	40,034
20. Maryland & Pennsylvania Terminal Ry. Co.....	402,846	728
21. Metropolitan Southern R. R. Co.....	2,683,497	5,617
22. New York, Philadelphia & Norfolk R. R. Co.....	9,490,624	170,949
23. Northern Central Ry. Co.....	46,002,092	1,680,256
24. Norfolk & Western Ry. Co.....	227,796,400	121,776
25. Patterson Creek & Potomac R. R. Co.....	1,156,849	10
26. Philadelphia & Baltimore Central R. R. Co.....	4,757,387	6,376
27. Philadelphia, Baltimore & Washington R. R. Co.....	65,401,370	3,376,708
28. Pittsburg & Connellsville R. R. Co.....	32,398,719	1,500,262
29. Rockdale R. R. Co.....	20,732	338
30. Union Railroad Co.....	3,121,548	230,958
31. Washington County R. R. Co.....	1,009,594	6,418
33. Western Maryland Ry. Co.....	111,062,265	347,151
34. York, Hanover & Frederick R. R. Co.....	570,978	5,452

Title of Corporation.	Other Investments.	
	Sinking and Other Funds.	
	10	11
1. Baltimore Belt Railroad Co.....	.....	.....
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	.....	.....
3. Baltimore & Ohio R. R. Co.....	10,162,619	1,533,366
4. Baltimore & Sparrows Point R. R. Co.....	.....	.....
5. Bedford & Bridgeport Ry. Co.....	.....	.....
7. Columbia & Port Deposit Ry. Co.....	.....	.....
8. Confluence & Oakland R. R. Co.....	.....	.....
9. Cumberland & Penna. R. R. Co.....	.....	615,897
10. Cumberland Valley R. R. Co.....	20,385	23,561
11. Delaware R. R. Co.....	65,275	1,545,607
12. Delaware, Maryland & Virginia R. R. Co.....	.....	.....
13. Elkton & Middleton R. R. Co.....	.....	.....
14. Emmitsburg R. R. Co.....	.....	.....
15. George's Creek & Cumberland R. R. Co.....	.....	.....
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....	.....	.....
17. Lancaster, Cecil & Southern R. R. Co.....	.....	.....
18. Maryland, Delaware & Virginia Ry. Co.....	.....	.....
19. Maryland & Pennsylvania R. R. Co.....	.....	203,000
20. Maryland & Pennsylvania Terminal Ry. Co.....	.....	.....
21. Metropolitan Southern R. R. Co.....	.....	.....
22. New York, Philadelphia & Norfolk R. R. Co.....	.....	847,234
23. Northern Central Ry. Co.....	6,806	1,833,307
24. Norfolk & Western Ry. Co.....	416,680	87,965
25. Patterson Creek & Potomac R. R. Co.....	.....	.....
26. Philadelphia & Baltimore Central R. R. Co.....	.....	.....
27. Philadelphia, Baltimore & Washington R. R. Co.....	2	.....
28. Pittsburg & Connellsville R. R. Co.....	824,996	.....
29. Rockdale R. R. Co.....	.....	.....
30. Union Railroad Co.....	.....	.....
31. Washington County R. R. Co.....	.....	.....
33. Western Maryland Ry. Co.....	.....	221,576
34. York, Hanover & Frederick R. R. Co.....	.....	.....

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 1.

Liabilities and Surplus on June 30, 1911, and the Classification of Such Assets and Liabilities.

Totals.				Details as of June 30, 1911.		
Liabilities.		Surplus.		Assets.		
Total Amount June 30, 1911.	Increase Over June 30, 1910.	Total Amount June 30, 1911.	Increase Over June 30, 1910.	Cost of Road and Equipment.	Stocks of Other Corporations.	Bonds of Other Corporations.
1	4	5	6	7	8	9
12,441,809	38,131	38,452,419	15,075,319	12,441,809		
4,031,336	22,070	38,452,419	15,075,319	3,887,878	2,502	
538,484,759	12,911,990	38,452,419	15,075,319	308,444,838	76,915,633	153,760,576
157,873	953	57,680	16,401	150,000		
2,381,400	39,024	29,136	27,129	2,346,518		
2,889,110	106,933	606,617	190,660	3,325,915		
329,852	49			329,852		
5,399,909	91,071	93,190	55,263	4,661,445		
7,466,620	463,057	624,880		4,816,646	551,118	338,900
7,472,503		494,588		5,886,904	164,508	40,000
2,567,688	77,035	730,040	63,928	1,637,368		
76,800		4,957	263	69,502		
59,014	1,646	5,513	254	59,014		
4,422,227	928,494	305,440		4,627,832		
2,852,544		55,007		2,769,487		
402,562				402,562		
5,392,405	83,266	507,817	48,501	5,050,018	13,815	528
4,266,846	39,889	4,921	105	3,744,932	200,000	
404,800	1,414	2,454	687	368,987		
2,683,497	5,617			2,683,497		
8,602,916	341,112	887,707	170,163	7,585,173	98,000	
36,280,890	1,731,205	9,721,202	50,949	31,301,830	5,352,272	1,460,000
221,642,203	701,441	6,154,197	579,663	211,673,261	990,156	537,126
1,156,849	10			1,156,849		
5,068,127	78,111	810,739	84,457	4,597,537	1,100	
50,264,828	3,453,944	6,136,542	77,236	49,859,379	8,980,832	627,004
45,709,113	1,560,362	12,810,394		28,770,483	1,052,239	1,751,000
54,799	1,405	84,066	1,159	20,110		
2,154,626	28,779	230,958	202,179	2,252,038		173,984
1,181,827	12,088	172,332	5,670	1,006,594		
110,374,854	127,738	687,411	219,413	60,083,122	19,623,764	400,000
813,245	51,615	243,266	46,153	570,978		

Details as of June 30, 1911.

Assets (Continued).				Liabilities.		
Cash on Hand.	Bills and Accounts Receivable.	Materials and Supplies.	Advances to Controlled Corporations.	Reserves.	Capital Stock.	Funded Debt.
12	13	14	15	16	17	18
					6,000,000	6,000,000
113,358	116,679	18,228	51,554	79,445	2,500,000	1,290,000
7,539,415	80,285,078	7,811,150	527,844	456,760	210,907,761	325,068,706
26,975	82,505	8,838		2,235	160,000	
5,748					600,000	1,700,000
111,461	48,320				20	1,800,000
					20	120,000
10,056	82,447	104,543		18,719	20	1,608,000
1,206,609	866,939	260,617	5,724	998	20	27,102
237,249				7,847	23	900,000
	480				58	1,035,000
12,255					20	
5,513					20	
18,100	31,875	49,551		1,299	20	
					20	1,700,000
					20	200,000
17,430	47,508	1,140	1,569	52,766	20	2,057,000
73,702	17,426	27,490	2,558	2,657	20	2,253,950
82,659	316			161	20	200,000
					20	1,200,000
200,900	248,766	170,792	37,604	302,063	20	3,600,000
2,141,970	2,693,947	841,004	268,402	95,155	20	7,314,215
5,453,916	2,740,239	4,178,001	1,294,966	184,203	20	108,455,500
					20	
	20,327			138,422	2,499,127	2,261,512
978,756	3,566,764	852,907	802,945	232,788	25,188,925	24,463,438
					1,944,652	14,000,000
343	270				21,125	
690,370				5,157	2,100,000	5,473
					982,680	
7,196,981	634,141	681,879	9,246,805	*12,974,993	59,429,230	49,096,000
					400,000	150,000

* Includes \$12,724,835 Unamortized Discount on Capital Stock.

TABLE No. 1

Title of Corporation.	
	Interest, Divi-
	dends and Rents Unpaid.
	19
1. Baltimore Belt Railroad Co.....	334
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	2,540,182
3. Baltimore & Ohio R. R. Co.....	42,500
4. Baltimore & Sparrows Point R. R. Co.....	
5. Bedford & Bridgeport Ry. Co.....	
7. Columbia & Port Deposit Ry. Co.....	1,025
8. Confluence & Oakland R. R. Co.....	107,180
9. Cumberland & Penna. R. R. Co.....	214,381
10. Cumberland Valley R. R. Co.....	564,865
11. Delaware R. R. Co.....	
12. Delaware, Maryland & Virginia R. R. Co.....	
13. Elkton & Middleton R. R. Co.....	
14. Emmitsburg R. R. Co.....	
15. George's Creek & Cumberland R. R. Co.....	
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....	
17. Lancaster, Cecil & Southern R. R. Co.....	
18. Maryland, Delaware & Virginia Ry. Co.....	2,530
19. Maryland & Pennsylvania R. R. Co.....	8,082
20. Maryland & Pennsylvania Terminal Ry. Co.....	
21. Metropolitan Southern R. R. Co.....	
22. New York, Philadelphia & Norfolk R. R. Co.....	52,100
23. Northern Central Ry. Co.....	869,892
24. Norfolk & Western Ry. Co.....	583,171
25. Patterson Creek & Potomac R. R. Co.....	
26. Philadelphia & Baltimore Central R. R. Co.....	
27. Philadelphia, Baltimore & Washington R. R. Co.....	209,084
28. Pittsburg & Connellsville R. R. Co.....	
29. Rockdale R. R. Co.....	
30. Union Railroad Co.....	
31. Washington County R. R. Co.....	
33. Western Maryland Ry. Co.....	150,063
34. York, Hanover & Frederick R. R. Co.....	84,000

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

-Continued.

Details as of June 30, 1911.

Liabilities (Continued).

Interest, Divi- dends and Rents Ac- rued, but not Due.	Taxes Accrued.	Vouchers and Bills Payable.	Advances for Construction, Equipment and Betterments.	Sinking and Reserve Funds.	Appropriated Surplus for Additions to Property.	Sundries.
20	21	22	23	24	25	26
.....	.....	.....	441,809	.....	.....	.....
21,561	3,991	111,963	.....	31,630	70,970	881
7,278,776	.....	6,960,863	273,223	2,993,754	1,227,759	1,238,715
.....	162	7,711	.....	.....	.....	.....
.....	1,051	.....	37,849	.....	3,555	.....
34,769	.....	.....	637	.....	53,703	.....
.....	.....	.....	9,852	.....	.....	.....
27,533	.....	34,421	1,608,874	615,897	.....	4,158
20,748	.....	616,999	.....	532,959	828,075	.....
6,666	.....	148,940	48,002	1,044,850	31,628	.....
8,167	11	184,800	248,287	.....	146	.....
.....
.....	.....	.....	.....	.....	9,914	.....
.....	10,452	274,034	637,742	.....	.....	.....
14,167	899	.....	115,078	.....	3,555	.....
.....	.....	.....	.....	.....	2,562	.....
41,831	1,567	488,459	.....	.....	.....	1,016
32,405	6,348	43,343	.....	200,000	125,124	.....
1,666	76	498	2,558	.....	.....	.....
.....	.....	.....	283,497	.....	.....	.....
.....	49	466,590	.....	1,148,802	835,284	.....
37,403	140,707	3,946,214	.....	2,803,130	1,825,854	921
1,017,572	611,442	3,033,638	.....	.....	10,465,935	249,243
.....	.....	.....	1,136,849	.....	.....	.....
17,333	4,653	.....	285,500	.....	.....	.....
119,201	50,486	5,665,342	.....	1,715,738	1,835,860	66,751
.....	.....	.....	29,764,461	.....	19	.....
.....	.....	33,655	.....	.....	.....	.....
.....	.....	.....	25,527	.....	23,626	.....
.....	.....	.....	199,147	.....	.....	.....
566,989	176,159	734,487	.....	18,265	140,922	73,716
1,000	59	.....	178,165	.....	.....	.....

TABLE

Showing in Detail for Each of the Steam Railroad Corporations Named Therein the Funded Debt

Title of Corporation.	All Classes.		Funded
	Outstanding on June 30, 1911.	Increase Over June 30, 1910.	Outstanding on June 30, 1911.
	1	2	3
1. Baltimore Belt Railroad Co.....	\$12,000,000	.....	\$6,000,000
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	3,709,000	\$15,000	1,290,000
3. Baltimore & Ohio R. R. Co.....	545,976,187	10,255,509	325,068,706
4. Baltimore & Sparrows Point R. R. Co.....	150,000	.....	.....
5. Bedford & Bridgeport Ry. Co.....	2,300,000	.....	1,700,000
7. Columbia & Port Deposit Ry. Co.....	2,800,000	.....	1,800,000
8. Confluence & Oakland R. R. Co.....	320,000	.....	120,000
9. Cumberland & Penna. R. R. Co.....	3,108,000	76,000	1,608,000
10. Cumberland Valley R. R. Co.....	5,360,652	27,102	27,102
11. Delaware R. R. Co.....	5,913,000	5	835,000
12. Delaware, Maryland & Virginia R. R. Co.....	1,561,758	.....	1,035,000
13. Elkton & Middleton R. R. Co.....	76,800	.....	.....
14. Emmitsburg R. R. Co.....	50,000	.....	.....
15. George's Creek & Cumberland R. R. Co.....	3,500,000	547,050	.....
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....	2,722,400	.....	1,700,000
17. Lancaster, Cecil & Southern R. R. Co.....	400,000	.....	200,000
18. Maryland, Delaware & Virginia Ry. Co.....	5,057,000	.....	2,057,000
19. Maryland & Pennsylvania R. R. Co.....	3,856,450	4,000	2,253,350
20. Maryland & Pennsylvania Terminal Ry. Co.....	400,000	.....	200,000
21. Metropolitan Southern R. R. Co.....	2,400,000	.....	1,200,000
22. New York, Philadelphia & Norfolk R. R. Co.....	6,100,000	.....	3,600,000
23. Northern Central Ry. Co.....	26,656,765	76,646	7,314,215
24. Norfolk & Western Ry. Co.....	205,731,200	2,000,000	106,455,500
25. Patterson Creek & Potomac R. R. Co.....	20,000	.....	.....
26. Philadelphia & Baltimore Central R. R. Co.....	4,760,640	25	2,261,513
27. Philadelphia, Baltimore & Washington R. R. Co.....	49,602,363	62,163	24,463,438
28. Pittsburg & Connellsville R. R. Co.....	15,944,632	.....	14,000,000
29. Rockdale R. R. Co.....	21,123	.....	.....
30. Union Railroad Co.....	2,105,473	.....	5,473
31. Washington County R. R. Co.....	982,680	.....	.....
33. Western Maryland Ry. Co.....	108,332,230	17,000	48,903,000
34. York, Hanover & Frederick R. R. Co.....	550,000	.....	150,000

Title of Corporation.	Funded Debt		
	Equipment Obligations.	Increase Over June 30, 1910.	Income Bonds and Miscellaneous Funded Obligations.
	11	12	13
1. Baltimore Belt Railroad Co.....	.....	.....	.....
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	.....	.....	40,000
3. Baltimore & Ohio R. R. Co.....	.....	.....	1,130,426
4. Baltimore & Sparrows Point R. R. Co.....	.....	.....	.....
5. Bedford & Bridgeport Ry. Co.....	.....	.....	.....
7. Columbia & Port Deposit Ry. Co.....	.....	.....	.....
8. Confluence & Oakland R. R. Co.....	.....	.....	.....
9. Cumberland & Penna. R. R. Co.....	608,000	76,000	.....
10. Cumberland Valley R. R. Co.....	27,102	27,102	.....
11. Delaware R. R. Co.....	.....	.....	.....
12. Delaware, Maryland & Virginia R. R. Co.....	.....	.....	.....
13. Elkton & Middleton R. R. Co.....	.....	.....	.....
14. Emmitsburg R. R. Co.....	.....	.....	.....
15. George's Creek & Cumberland R. R. Co.....	.....	.....	.....
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....	.....	.....	.....
17. Lancaster, Cecil & Southern R. R. Co.....	.....	.....	.....
18. Maryland, Delaware & Virginia Ry. Co.....	.....	.....	.....
19. Maryland & Pennsylvania R. R. Co.....	51,500	4,000	900,000
20. Maryland & Pennsylvania Terminal Ry. Co.....	.....	.....	.....
21. Metropolitan Southern R. R. Co.....	.....	.....	.....
22. New York, Philadelphia & Norfolk R. R. Co.....	.....	.....	1,000,000
23. Northern Central Ry. Co.....	379,388	75,878	124,527
24. Norfolk & Western Ry. Co.....	7,900,000	2,000,000	.....
25. Patterson Creek & Potomac R. R. Co.....	.....	.....	.....
26. Philadelphia & Baltimore Central R. R. Co.....	.....	.....	26,513
27. Philadelphia, Baltimore & Washington R. R. Co.....	138,315	27,663	325,123
28. Pittsburg & Connellsville R. R. Co.....	.....	.....	.....
29. Rockdale R. R. Co.....	.....	.....	.....
30. Union Railroad Co.....	.....	.....	5,473
31. Washington County R. R. Co.....	.....	.....	.....
33. Western Maryland Ry. Co.....	378,000	.....	.....
34. York, Hanover & Frederick R. R. Co.....	.....	.....	.....

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 2.
and Capital Stock Securities Outstanding on June 30, 1911, and the Classification of the Same.

Totals.			Details of Securities.			
Debt.		Stocks.	Funded Debt.			
Increase Over June 30, 1910.	Outstanding on June 30, 1911.	Increase Over June 30, 1910.	Bonds Secured by Real Estate Mortgages.	Increase Over June 30, 1910.	Collateral Trust Bonds.	Increase Over June 30, 1910.
4	5	6	7	8	9	10
	\$6,000,000		\$6,000,000			
\$15,000	2,500,000		1,250,000			
10,135,429	210,907,981	\$120,080	228,945,689	\$207,100	\$44,902,530	\$40,890
	150,000					
	600,000					
	1,000,000		1,800,000			
	200,000		120,000			
76,000	1,500,000		1,000,000			
27,102	5,333,550					
	5,078,000	5	835,000			
	526,758		1,035,000			
	50,000					
	3,500,000	547,050				
	1,022,400					
	200,000		200,000			
	3,000,000		2,000,000			
4,000	1,602,500		1,302,450			
	200,000		200,000			
	1,200,000		1,200,000			
	2,500,000		2,600,000			
75,878	19,342,550	768	6,810,000			
7,388,000	97,275,700	5,388,000	83,270,500			
	20,000					
	2,499,127	28	2,235,000			
62,163	25,138,925		15,070,000		8,930,000	
	1,944,652		14,000,000			
	21,125					
	2,100,000					
	982,680					
17,000	59,429,230		48,525,000	17,000		
	400,000		150,000			

Details of Securities--Continued.

--Continued.			Stocks.			
Increase Over June 30, 1910.	Plain Bonds, Debentures and Promis- sory Notes.	Increase Over June 30, 1910.	Common.	Increase Over June 30, 1910.	Preferred.	Increase Over June 30, 1910.
14	15	16	17	18	19	20
			3,500,000		2,500,000	
15,000			1,000,000		1,500,000	
14,561	50,000,000	9,902,000	152,020,572	108,130	58,887,208	11,950
			150,000			
	1,700,000		600,000			
			1,000,000			
			200,000			
			1,500,000			
			4,848,650		484,900	
			5,078,000	5		
			526,758			
			76,800			
			50,000			
			3,500,000	547,050		
	1,700,000		1,022,400			
			200,000			
	57,000		1,500,000		1,500,000	
			1,602,500			
			200,000			
			1,200,000			
			2,500,000			
			19,342,550	768		
	17,285,000	5,388,000	74,284,000	5,388,000	22,991,700	
			20,000			
		2,499,127	28			
34,500			25,138,925			
			1,944,652			
			21,125			
			2,100,000			
			982,680			
			59,429,230			
			400,000			

TABLE

Showing for Each of the Steam Railroad Corporations Named Therein the Total Funded Debt Stock as Are Held by the Issuing Corporation), the Rate Per Cent. and Dates of on Capital Stock.

Title of Corporation.	Funded Debt.			
	Principal.			
	Description of Bonds.	Date.....	Term of Years.....	Amount Outstanding.
1. Baltimore Belt R. R. Co.....	1st Mtge....	1890	100	\$6,000,000
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	1st Mtge....	1894	40	1,250,000
3. Baltimore & Ohio R. R. Co.....	Prior Lien...	1898	27	74,965,975
	1st Mtge....	1898	50	74,992,875
	3-year Notes.	1910	3	50,000,000
	Loan No. 6..	1885	50	68,500
	Ground Rents	....	..	10,680,015
	Do. Balto.			
	Belt..	....	..	13,000
	Do. Md.			
	Con. Co.	....	..	49,480
Southwestern Division	Collat. Trust.	1899	26	44,922,530
Pittsburg, Lake Erie & Western System.....	Refunding...	1901	40	43,372,000
Pittsburg Junction & Middle Division.....	1st Mtge....	1898	27	6,175,230
Central Ohio R. R. Co.....	Con. 1st Mtge.	1886	44	1,009,000
Cleveland, Loraine & Wheeling Ry. Co.....	General.....	1896	40	890,000
Cleveland, Loraine & Wheeling Ry. Co.....	Con. Refg....	1900	30	950,000
Cleveland, Loraine & Wheeling Ry. Co.....	1st Con'd....	1893	40	5,000,000
Cleveland Terminal & Valley R. R. Co.....	1st Mtge....	1895	100	8,301,000
Ellwood Short Line R. R. Co.....	1st Mtge....	1892	30	300,000
Huntington & Big Sandy R. R. Co.....	1st Mtge....	1892	30	303,000
Monongahela River R. R. Co.....	1st Mtge....	1889	30	700,000
Ohio & Little Kanawha R. R. Co.....	1st Mtge....	1900	50	228,000
Ohio River R. R. Co.....	1st Mtge....	1886	50	2,000,000
Ohio River R. R. Co.....	General.....	1887	50	2,941,000
Pittsburg & Connellsville R. R. Co.....	1st Mtge....	1868	78	56,000
Pittsburg & Western Ry. Co.....	1st Mtge....	1887	30	650,000
Pittsburg Junction R. R. Co.....	1st Mtge....	1882	40	934,000
Pittsburg Junction R. R. Co.....	2nd Mtge....	1894	28	243,000
Pittsburg, Newcastle & Lake Erie R. R. Co.....	1st Mtge....	1878	40	82,100
Pittsburg, Cleveland & Toledo R. R. Co.....	1st Mtge....	1882	40	441,000
Ravenswood, Spencer & Glendale Ry. Co.....	1st Mtge....	1890	30	361,000
Schuylkill River & East Side R. R. Co.....	1st Mtge....	1903	32	5,000,000
West Virginia & Pittsburg R. R. Co.....	1st Mtge....	1890	100	8,914,000
4. Baltimore & Sparrows Point R. R. Co.....	.....	....	..	.....
5. Bedford & Bridgeport Ry. Co.....	Debentures..	1906	10	1,700,000
7. Columbia & Port Deposit Ry. Co.....	1st Mtge....	1890	50	1,800,000
8. Confluence & Oakland R. R. Co.....	1st Mtge....	1890	24	120,000
9. *Cumberland & Pennsylvania R. R. Co.....	1st Mtge....	1891	30	1,000,000
9. Cumberland & Pennsylvania R. R. Co.....	Equipt.....	1906	12	608,000
10. Cumberland Valley R. R. Co.....	Equipt.....	1906	10	27,102
11. Delaware R. R. Co.....	General.....	1892	40	500,000
Delaware & Chesapeake Ry. Co.....	1st Mtge....	1882	30	335,000
12. Delaware, Maryland & Virginia R. R. Co.....	.....	....	..	.....
Junction & Breakwater R. R. Co.....	1st Mtge....	1867	65	185,000
Junction & Breakwater R. R. Co.....	2nd Mtge....	1879	20	250,000
Breakwater & Frankford R. R. Co.....	1st Mtge....	1879	55	200,000
Worcester R. R. Co.....	1st Mtge....	1876	20	400,000
13. Elkton & Middleton R. R. Co.....	.....	....	..	.....
14. Emmitsburg R. R. Co.....	.....	....	..	.....
15. **George's Creek & Cumberland R. R. Co.....	.....	....	..	.....
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....	.....	....	..	.....
Bedford & Bridgeport Ry. Co.....	Debentures..	1906	10	1,700,000
17. Lancaster, Cecil & Southern R. R. Co.....	1st Mtge....	1895	30	200,000

*No specific dividend declared. Net earnings paid over to Consolidation Coal Co.

**Dividend paid only on \$999,650 old stock.

No. 3.
and Capital Stock Outstanding on June 30, 1911 (Exclusive of Such Funded Debt and Capital
Payment of Interest on Funded Debt and the Rate Per Cent. and Amount of Dividends Paid

		Capital Stock.					
Interest.		Common.			Preferred.		
Rate Per Cent..%	Dates Payable....	Amount Outstanding.	Amount of Dividends Paid During Year.	Rate Per Cent	Amount Outstanding.	Amount of Dividends Paid During Year.	Rate Per Cent.
	6	7	8	9	10	11	12
5	M. & N.	\$3,500,000	.....	.....	\$2,500,000	.....	.....
5	M. & S.	1,000,000	.....	.....	1,500,000	105,000	7
3½	J. & J.	152,020,572	9,120,600	6	58,887,208	2,355,545	4
4	A. & O.	.....	.....	.....	.....	.....	.....
4	A. & O.	.....	.....	.....	.....	.....	.....
..
..
3½	J. & J.	.....	.....	.....	.....	.....	.....
4	M. & N.	.....	.....	.....	.....	.....	.....
3½	M. & N.	.....	.....	.....	.....	.....	.....
4½	M. & S.	.....	.....	.....	.....	.....	.....
5	J. & D.	.....	.....	.....	.....	.....	.....
4	J. & O.	.....	.....	.....	.....	.....	.....
5	A. & N.	.....	.....	.....	.....	.....	.....
4	M. & D.	.....	.....	.....	.....	.....	.....
5	J. & J.	.....	.....	.....	.....	.....	.....
5	F. & A.	.....	.....	.....	.....	.....	.....
5	M. & S.	.....	.....	.....	.....	.....	.....
5	J. & D.	.....	.....	.....	.....	.....	.....
5	J. & O.	.....	.....	.....	.....	.....	.....
4	J. & J.	.....	.....	.....	.....	.....	.....
4	J. & J.	.....	.....	.....	.....	.....	.....
6	J. & J.	.....	.....	.....	.....	.....	.....
5	J. & J.	.....	.....	.....	.....	.....	.....
4	J. & D.	.....	.....	.....	.....	.....	.....
6	A. & O.	.....	.....	.....	.....	.....	.....
6	F. & A.	.....	.....	.....	.....	.....	.....
4	J. & D.	.....	.....	.....	.....	.....	.....
4	A. & O.	.....	.....	.....	.....	.....	.....
..	.....	150,000	.....	.....	.....	.....	.....
5	M. & N.	600,000	.....	.....	.....	.....	.....
4	F. & A.	1,000,000	50,000	5	.....	.....	.....
5	M. & N.	200,000	.....	.....	.....	.....	.....
5	M. & N.	1,500,000	310,180	.....	.....	.....	.....
5	J. & D.	.....	.....	.....	.....	.....	.....
4	J. & J.	4,848,650	387,884	8	484,200	38,792	8
4½	J. & J.	5,078,000	406,243	8	.....	.....	.....
4	F. & A.	.....	.....	.....	.....	.....	.....
..	.....	454,592	.....	.....	.....	.....	.....
3	J. & J.	.....	.....	.....	.....	.....	.....
4	F. & A.	.....	.....	.....	.....	.....	.....
3	J. & J.	.....	.....	.....	.....	.....	.....
4	A. & O.	.....	.....	.....	.....	.....	.....
..	.....	76,800	.....	.....	.....	.....	.....
..	.....	50,000	1,000	2	.....	.....	.....
..	.....	3,500,000	72,715	7.27	.....	.....	.....
..	.....	1,022,400	.....	.....	.....	.....	.....
5	M. & N.	.....	.....	.....	.....	.....	.....
5	M. & S.	200,000	.....	.....	.....	.....	.....

TABLE No. 3

Title of Corporation.	Funded Debt.			
	Principal.			Amount Outstanding.
	Description of Bonds.	Date.	Term of Years.	
	1	2	3	4
21. Metropolitan Southern R. R. Co.....	1st Mtge....	1894	50	1,200,000
18. Maryland, Delaware & Virginia Ry. Co.....	1st Mtge....	1905	50	2,000,000
18. Maryland, Delaware & Virginia Ry. Co.....	Certificates...	1908	1	57,000
19. Maryland & Pennsylvania R. R. Co.....	1st Mtge....	1901	40	.....
19. Maryland & Pennsylvania R. R. Co.....	Income.....	1901	49	.....
York & Peach Bottom R. R. Co.....	1st Mtge....	1882	50	.....
20. Maryland & Pennsylvania Terminal Ry. Co.....	1st Mtge....	1906	30	.....
22. New York, Philadelphia & Norfolk R. R. Co.....	1st Mtge....	1899	40	.....
	Income.....	1899	40	.....
23. Northern Central Ry. Co.....	State Md....	1855	..	.....
	Consolid. "B"....	1885	40	.....
	Genl. "A"....	1876	50	.....
	Genl. "B"....	1882	44	.....
	Ground Rents	.....	..	.....
24. Norfolk & Western Ry. Co.....	General.....	1881	50	.....
	New River Div.	1882	50	.....
	Impt. & Ext.	1883	50	5,000,000
	Consola.....	1898	100	40,387,500
	Div. 1st and	.....	..	.....
	Genl.....	1904	40	23,000,000
	Convertible..	1907	25	17,285,000
	Equipment...	Various	10	7,900,000
Scioto Valley & N. E.....	1st Mtge....	1889	100	5,000,000
Col. Con. & Ter.....	1st Mtge....	1892	80	600,000
25. Patterson Creek & Potomac R. R. Co.....	.....	.....	..	.....
28. Pittsburg & Connellsville R. R. Co.....	1st M. Extd.	1896	50	.....
	2nd. Cons'd..	1885	40	.....
26. Philadelphia & Baltimore Central R. R. Co.....	1st Mtge....	1881	30	.....
	1st Mtge....	1891	20	.....
	State Md....	1863	..	.....
	Ground Rents	.....	..	.....
27. Philadelphia, Baltimore & Washington R. R. Co.....	1st Mtge....	1904	39	.....
	1st Mtge....	1911	32	.....
	Debentures...	1909	Various	.....
	Equipment...	1906	10	.....
	Ground Rents	.....	..	.....
Baltimore & Potomac R. R. Co.....	Tunnel	1871	40	.....
Philadelphia, Wilmington & Baltimore R. R. Co..	Debentures..	Various	..	.....
29. Rockdale R. R. Co.....	.....	.....	..	.....
30. Union R. R. Co.....	Ground Rents	.....	..	.....
31. Washington County R. R. Co.....	.....	.....	..	.....
33. Western Maryland Ry. Co.....	1st Mtge....	1902	50	.....
	Equipment...	1909	10	.....
Potomac Valley R. R. Co.....	1st Mtge....	1891	50	.....
Piedmont & Cumberland Ry. Co.....	1st Mtge....	1886	25	.....
West Virginia Central & Pittsburg Ry. Co.....	1st Mtge....	1881	30	.....
Coal & Iron Ry. Co.....	1st Mtge....	1900	20	.....
32. Washington, Potomac & Chesapeake R. R. Co.....	1st Mtge....	1910	50	.....
34. York, Hanover & Frederick R. R. Co.....	1st Mtge....	1897	30	.....

*No specific dividend declared. Net earnings paid over to Consolidation Coal Co.
 **Dividend paid only on \$999,650 old stock.

—Continued.

Interest.		Capital Stock.				
		Common.			Preferred.	
		Amount Outstanding.	Amount of Dividends Paid During Year.	Rate Per Cent.	Amount Outstanding.	Amount of Dividends Paid During Year.
Rate Per Cent.	Dates Payable....	7	8	9	10	11
5	J. & D.	1,200,000				
5	F. & A.	1,500,000			1,500,000	
4	J. & D.					
4	M. & S.	1,602,500				
4	A. & C.					
5	M. & N.					
5	M. & N.	200,000				
4	J. & J.	2,500,000	300,000	12		
4	M. & N.					
6	J. Qrly.	19,342,500	1,547,400	8		
4 1/2	A. & O.					
5	J. & J.					
5	J. & J.					
5 & 6	Various					
6	M. & N.	74,284,000	3,499,137	5	22,991,700	919,668
6	M. & N.					
6	F. & A.					
4	A. & O.					
4	J. & J.					
4	J. & D.					
4	J. & D.					
4	M. & N.					
5	J. & J.					
		20,000				
4	J. & J.	1,944,652				
5	J. & J.					
5	M. & N.	2,497,150				
4 1/2	M. & N.					
6						
6	J. & J.					
4	M. & N.	25,138,000	1,005,520	4		
4	M. & N.					
4	J. & J.					
4						
6	J. & J.					
4						
		21,125		50		
6		2,100,000	1,050,000			
		982,680				
4	A. & O.	49,429,230			10,000,000	400,000
5						
5	J. & J.					
5	F. & A.					
6	J. & J.					
5	F. & A.					
5	M. & N.	500,000				
4	M. & N.	400,000				

TABLE

Showing for Each of the Steam Railroad Corporations Named Therein the Total Cost of
Cost of Road per Mile and the Average Cost

Title of Corporation.	Total Cost of Road and Equipment.	Increase over June 30, 1910.	Total Cost of Road.
	1	2	3
1. Baltimore Belt Railroad Co.....	\$12,441,809	\$38,131	\$12,441,809
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	3,905,370	76,307	2,766,876
3. Baltimore & Ohio R. R. Co.....	316,742,798	29,540,781	229,227,643
4. Baltimore & Sparrows Point R. R. Co.....	150,000	.....	150,000
5. Bedford & Bridgeport Ry. Co.....	2,346,516	21,925	2,346,516
7. Columbia & Port Deposit Ry. Co.....	3,335,915	1,757	3,335,915
8. Confluence & Oakland R. R. Co.....	329,852	49	329,852
9. Cumberland & Penna. R. R. Co.....	5,065,935	37,299	3,243,446
10. Cumberland Valley R. R. Co.....	5,047,203	345,933	4,071,278
11. Delaware R. R. Co.....	5,886,904	334,574	5,886,904
12. Delaware, Maryland & Virginia R. R. Co.....	1,837,848	18,107	1,830,167
13. Elkton & Middleton R. R. Co.....	69,502	.....	69,502
14. Emmitsburg R. R. Co.....	59,914	1,648	53,914
15. George's Creek & Cumberland R. R. Co.....	4,657,277	2,868,628	3,484,844
16. *Hollidaysburg, Bedford & Cumberland R. R. Co....	2,769,487	960	2,769,487
17. Lancaster, Cecil & Southern R. R. Co.....	402,562	.....	402,562
18. Maryland, Delaware & Virginia Ry. Co.....	5,062,940	5,287	3,263,948
19. Maryland & Pennsylvania R. R. Co.....	3,788,898	54,511	3,500,462
20. Maryland & Pennsylvania Terminal Ry. Co.....	368,980	.....	368,980
21. Metropolitan Southern R. R. Co.....	2,683,497	5,617	2,683,497
22. New York, Philadelphia & Norfolk R. R. Co.....	8,252,978	568,852	5,683,268
23. Northern Central Ry. Co.....	31,870,545	1,801,717	24,471,574
24. Norfolk & Western Ry. Co.....	216,199,033	12,567,759	175,025,914
25. Patterson Creek & Potomac R. R. Co.....	1,156,849	10	1,156,849
26. Philadelphia & Baltimore Central R. R. Co.....	4,597,537	3,385	4,597,537
27. Philadelphia, Baltimore & Washington R. R. Co.....	49,942,089	1,113,206	43,866,343
28. Pittsburg & Connellsville R. R. Co.....	28,770,483	1,560,362	28,770,483
29. Rockdale R. R. Co.....	20,119	.....	20,119
30. Union Railroad Co.....	2,252,036	36,024	2,252,036
31. Washington County R. R. Co.....	1,009,594	6,418	1,009,594
33. Western Maryland Ry. Co.....	60,174,352	430,540	52,843,498
34. York, Hanover & Frederick R. R. Co.....	570,979	5,462	570,979

*Report covers from organization of road, May 1, 1911.

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 4.
Road and Equipment, and the Distribution of Same on June 30, 1911; also the Average of Equipment per Mile of Road Operated.

Distribution.					Cost per Mile of Road (Depreciation deducted).	
Increase over June 30, 1910.	Total Cost of Equipment.	Increase over June 30, 1910.	Reserve for accrued depreciation.	Increase over June 30, 1910.	Road and Equipment per mile of road owned.	Road and Equipment per mile of road operated.
4	5	6	7	8	9	10
\$38,131					\$1,615,819	\$1,615,819
44,471	\$1,138,494	\$31,836	\$17,492	\$15,532	44,852	44,352
14,972,454	87,515,153	14,568,327	8,297,960	2,248,978	565,715	70,606
					19,280	19,280
21,925					47,830	47,830
1,757					79,540	79,540
49					16,743	16,743
6,527	1,822,489	30,772	404,490	106,361	87,770	75,415
323,425	975,925	22,508	230,556	172,982	45,150	29,691
334,574					24,013	24,013
7,097	7,681	6,010	48,000	48,000	18,818	18,818
					224,200	224,200
1,648	6,000				8,559	8,559
2,326,040	1,172,433	542,588	29,945	2,284	145,651	145,651
960					38,637	38,637
					100,640	100,640
10,193	1,799,092	15,480	12,921	29,241	64,390	64,390
23,037	288,436	81,474	43,966	11,449	47,464	46,870
					368,989	368,989
5,617					399,330	399,330
493,147	2,569,710	75,705	667,804	196,294	67,725	51,251
1,618,466	7,398,971	183,251	568,715	35,674	216,697	67,674
7,601,087	41,173,119	4,966,672	4,525,752	1,393,218	106,536	106,536
10					185,392	185,392
3,385					62,441	57,340
536,846	6,075,746	576,360	720,110	104,743	212,212	69,865
1,560,362					180,142	165,167
					6,190	6,190
36,024					287,056	60,571
6,418					42,207	42,207
464,224	7,330,854	33,684	91,229	90,450	154,253	111,208
5,462					10,262	10,262

TABLE

Showing for Each of the Operating Steam Railroad Corporations Named Therein the Income, the Payments from Net Income and the Surplus from

Title of Corporation.				
	Gross Income from all Sources.	Increase over June 30, 1910.	Deductions from Income.	Increase over June 30, 1910.
	1	2	3	4
2. Balto., Chesapeake & Atlantic Ry. Co..	\$1,110,183	\$28,218	\$1,010,504	\$77,254
3. Baltimore & Ohio R. R. Co.....	94,813,400	432,110	81,998,418	3,859,706
4. Baltimore & Sparrows Point R. R. Co..	129,864	16,853	70,594	5,769
5. *Bedford & Bridgeport Ry. Co.....	367,256	.....	394,385	.....
9. Cumberland & Penna. R. R. Co.....	1,008,745	77,165	846,451	90,100
10. Cumberland Valley R. R. Co.....	3,101,007	65,685	2,227,298	206,111
14. Emmitsburg R. R. Co.....	16,453	1,055	13,550	726
15. George's Creek & Cumberland R. R. Co.	184,892	13,801	112,177	7,226
16. *Hollid'b'g, Bedford & Cumb'l'd R. R. Co.	83,313	.....	89,767	.....
18. Maryland, Delaware & Virginia Ry. Co.	879,976	50,085	927,014	98,723
19. Maryland & Pennsylvania R. R. Co.....	440,137	29,333	402,778	5,402
22. N.Y., Phila. & Norfolk R. R. Co.....	3,393,809	16,160	2,858,576	273,156
23. Northern Central Ry. Co.....	14,409,093	122,403	12,745,987	1,106,849
24. Norfolk & Western Ry. Co.....	37,002,368	610,813	29,454,999	1,942,008
27. Phila., Balto. & Washington R. R. Co..	20,488,961	1,018,048	18,347,452	1,089,314
29. Rockdale R. R. Co.....	1,464	.....	2,624	.....
30. Union Railroad Co.....	1,542,365	59,296	278,376	18,766
33. **Western Maryland Ry. Co.....	7,811,930	3,844,883	7,051,594	3,752,545

Title of Corporation.	Division of Gross			
	Hire of Equipment.	Joint Facilities.	Mis- cellaneous. Rents.	Dividends on Stocks owned or Controlled
	12	13	14	15
2. Balto., Chesapeake & Atlantic Ry. Co..	.....	\$716	\$7,393	\$50
3. Baltimore & Ohio R. R. Co.....	.....	517,455	427,221	1,630,735
4. Baltimore & Sparrows Point R. R. Co..	\$6,890	.....	415	.....
5. *Bedford & Bridgeport Ry. Co.....	.....	950	439	.....
9. Cumberland & Penna. R. R. Co.....	135,923	12,006	2,083	.....
10. Cumberland Valley R. R. Co.....	.....	11,968	15,442	634
14. Emmitsburg R. R. Co.....	.....	.....	.....	.....
15. George's Creek & Cumberland R. R. Co.	62,506	53,903	1,220	.....
16. *Hollid'b'g, Bedford & Cumb'l'd R. R. Co.	.....	219	134	.....
18. Maryland, Delaware & Virginia Ry. Co.	.....	93	2,228	106
19. Maryland & Pennsylvania R. R. Co.....	.....	.....	.....	.....
22. N.Y., Phila. & Norfolk R. R. Co.....	.....	.....	.....	.....
23. Northern Central Ry. Co.....	.....	331,650	154,606	859,639
24. Norfolk & Western Ry. Co.....	858,424	42,200	36,493	416
27. Phila., Balto. & Washington R. R. Co..	.....	180,915	149,508	1,023,919
29. Rockdale R. R. Co.....	.....	.....	.....	.....
30. Union Railroad Co.....	.....	.....	2,723	.....
33. **Western Maryland Ry. Co.....	.....	6,959	9,096	307,133

*No report received for year ended June 30, 1910.

**Report for June 30, 1910, covered seven months only.

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 5.

Amount of Gross Income from All Sources, the Deductions from Gross Income, the Net the Year's Operations, for the Year Ended June 30, 1911.

Totals.						Division of Gross Income.
Net Income from all Sources.	Increase over June 30, 1910.	Payments from Net Income.	Increase over June 30, 1910.	Surplus from Year's Operating.	Increase over June 30, 1910.	Earnings from Operating.
5	6	7	8	9	10	11
\$99,679	\$49,036	\$117,877	\$27,264	\$18,198	\$76,299	\$1,091,826
12,819,991	3,427,596	11,476,145	428,828	1,343,846	3,013,767	89,968,130
59,270	11,084	.....	.....	59,270	11,084	121,677
27,129	.....	.....	.....	27,129	.....	365,867
252,294	12,935	310,180	40,890	57,886	53,826	947,104
873,709	140,426	868,203	315,576	5,506	456,002	3,042,455
2,903	329	2,649	486	254	157	16,453
72,715	21,027	72,715	72,715	.....	51,688	67,263
6,454	.....	.....	.....	6,454	.....	82,960
47,038	48,638	4,415	1,672	51,453	46,966	877,252
37,359	23,931	24,290	10,929	13,069	34,860	438,146
535,233	256,098	682,602	10,164	147,459	267,161	3,372,484
1,663,106	984,446	1,661,226	908,651	1,880	75,794	12,879,618
7,547,369	1,331,195	7,015,914	772,194	531,455	559,001	35,670,905
2,141,509	71,266	2,141,509	448,158	.....	519,424	19,078,477
1,160	.....	.....	.....	1,160	.....	1,464
1,263,989	78,062	1,060,496	2,634	203,493	80,696	1,531,451
760,336	92,338	540,922	340,922	219,413	248,584	7,243,496

Income—Continued.			Deductions from Gross Income.			
Interest on Funded Debt owned or Controlled.	Other Interest Received.	Mis- cellaneous Income.	Expenses of Operating.	Rent Accrued from lease of other Roads.	Hire of Equipment.	Joint Facilities.
16	17	18	19	20	21	22
.....	\$7,220	\$2,978	\$861,447	.....	\$10,732	\$867
\$758,843	1,398,815	112,210	64,737,506	.....	772,567	835,461
.....	.....	882	68,079	.....	.....	.....
.....	.....	.....	260,184	.....	15,538	45,847
.....	.....	1,629	691,528	.....	.....	1,673
3,110	24,115	3,283	2,002,699	\$104,402	55,391	3,398
.....	.....	.....	13,127	.....	.....	.....
.....	.....	.....	101,376	.....	.....	.....
.....	.....	.....	64,340	.....	4,082	7,128
.....	.....	293	789,213	.....	4,150	1,269
.....	1,901	.....	286,569	.....	9,257	.....
919	20,394	11	2,487,453	.....	132,553	704
52,696	72,641	58,242	11,038,801	.....	306,450	90,309
122,592	271,334	2	23,081,643	.....	.....	49,337
38,519	15,799	1,822	14,640,826	941,054	365,977	697,231
.....	.....	.....	1,463	.....	.....	.....
8,190	.....	.....	216,825	.....	.....	.....
13,333	228,514	3,397	4,482,214	197,015	17,805	69,161

TABLE No. 5

Title of Corporation.	Deductions from Gross			
	Mis- cellaneous Rents.	Interest on Funded Debt.	Interest on Floating Debt.	Sinking and Redemption Funds, chargeable to Income.
	23	24	25	26
2. Balto., Chesapeake & Atlantic Ry. Co...	\$25,848	\$64,943	.....	.....
8. Baltimore & Ohio R. R. Co.....	139,734	12,491,326	\$417,708	.....
4. Baltimore & Sparrows Point R. R. Co..	.....	.....	.....	.....
5. *Bedford & Bridgeport Ry. Co.....	206	70,833	.....	.....
9. Cumberland & Penna. R. R. Co.....	.....	81,983	.....	\$25,000
10. Cumberland Valley R. R. Co.....	665	1,301	.....	.....
14. Emmitsburg R. R. Co.....	50	.....	.....	.....
15. George's Creek & Cumberland R. R. Co.	.....	.....	.....	.....
16. *Hollid'b'g, Bedford & Cumb'l'd R. R. Co.	7	14,166	.....	.....
18. Maryland, Delaware & Virginia Ry. Co.	21,571	102,280	1,255	.....
19. Maryland & Pennsylvania R. R. Co.....	1,187	84,706	.....	.....
22. N.Y., Phila. & Norfolk R. R. Co.....	105	144,000	.....	.....
23. Northern Central Ry. Co.....	49,146	374,506	.....	.....
24. Norfolk & Western Ry. Co.....	976	4,792,866	40,962	.....
27. Phila., Balto. & Washington R. R. Co..	27,674	1,051,405	.....	.....
29. Rockdale R. R. Co.....	205	930	.....	.....
30. Union Railroad Co.....	463	328	.....	.....
33. **Western Maryland Ry. Co.....	.....	2,043,220	.....	.....

*No report received for year ended June 30, 1910.
**Report for June 30, 1910, covered seven months only.

Continued.

Income—Continued.				Payments from Net Income.		
Taxes on Property used in Operating.	Taxes on Earnings, Securities owned, etc.	Taxes on Property not used in Operating.	Other Deductions.	Dividends on Preferred Stock.	Dividends on Common Stock.	Additions and Betterments.
27	28	29	30	31	32	33
\$20,951	\$5,235	.....	\$20,480	\$105,000	.....	\$12,877
1,661,729	653,589	\$280,932	2,867	2,355,545	\$9,120,600	.....
369	2,146	.....	.....	.....	.....	.....
.....	1,587	190	.....	.....	.....	.....
15,731	30,535	.....	.....	.....	310,180	.....
11,945	43,719	3,777	.....	38,792	387,884	441,528
128	245	.....	.....	.....	1,000	1,649
6,109	4,691	.....	.....	.....	72,715	.....
.....
6,185	1,089	.....	.....	.....	.....	4,415
5,168	7,643	.....	.....	.....	.....	24,290
34,858	58,902	.....	.....	.....	300,000	382,692
119,536	264,674	23,623	105,430	.....	1,547,400	113,825
1,001,583	318,417	.....	169,218	919,668	3,499,137	2,597,108
122,349	430,618	24,848	48,004	.....	1,005,520	1,135,989
27	.....	.....	.....	.....	.....	.....
12,209	48,549	.....	.....	.....	1,050,000	10,496
150,994	89,005	.....	2,177	400,000	.....	140,922

TABLE

Showing for Each of the Operating Steam Railroad Corporations Named Therein the Total

Title of Corporation.	Total Operating Revenue for Year Ended June 30, 1911
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	\$1,091,824
3. Baltimore & Ohio R. R. Co.....	68,145,004
5. †Bedford & Bridgeport Ry. Co.....	365,861
9. †Cumberland & Penna. R. R. Co.....	936,719
10. †Cumberland Valley R. R. Co.....	519,104
14. Emmitsburg R. R. Co.....	16,453
15. George's Creek & Cumberland R. R. Co.....	67,260
16. †Hollidaysburg, Bedford & Cumberland R. R. Co.....	82,900
18. Maryland, Delaware & Virginia Ry. Co.....	877,253
19. Maryland & Pennsylvania R. R. Co.....	438,144
22. †New York, Philadelphia & Norfolk R. R. Co.....	1,173,268
23. Northern Central Ry. Co.....	12,868,100
24. †Norfolk & Western Ry. Co.....	193,530
27. Philadelphia, Baltimore & Washington R. R. Co.....	19,078,477
29. Rockdale Railroad Co.....	1,404
30. Union Railroad Co.....	1,531,451
33. †Western Maryland Ry. Co.....	3,836,401

Title of Corporation.	Mails
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	\$5,300
3. Baltimore & Ohio R. R. Co.....	1,169,005
5. †Bedford & Bridgeport Ry. Co.....	3,067
9. †Cumberland & Penna. R. R. Co.....	2,300
10. †Cumberland Valley R. R. Co.....	1,847
14. Emmitsburg R. R. Co.....	877
15. George's Creek & Cumberland R. R. Co.....	773
16. †Hollidaysburg, Bedford & Cumberland R. R. Co.....	3,505
18. Maryland, Delaware & Virginia Ry. Co.....	5,964
19. Maryland & Pennsylvania R. R. Co.....	7,451
22. †New York, Philadelphia & Norfolk R. R. Co.....	118,245
23. Northern Central Ry. Co.....	2,458
24. †Norfolk & Western Ry. Co.....	355,131
27. Philadelphia, Baltimore & Washington R. R. Co.....	7,835
29. Rockdale Railroad Co.....	25,841
30. Union Railroad Co.....	
33. †Western Maryland Ry. Co.....	

Title of Corporation.	Parcel Room Receipts
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	\$34
3. Baltimore & Ohio R. R. Co.....	18,247
5. †Bedford & Bridgeport Ry. Co.....	54
9. †Cumberland & Penna. R. R. Co.....	
10. †Cumberland Valley R. R. Co.....	
14. Emmitsburg R. R. Co.....	
15. George's Creek & Cumberland R. R. Co.....	
16. †Hollidaysburg, Bedford & Cumberland R. R. Co.....	
18. Maryland, Delaware & Virginia Ry. Co.....	
19. Maryland & Pennsylvania R. R. Co.....	
22. †New York, Philadelphia & Norfolk R. R. Co.....	
23. Northern Central Ry. Co.....	6,814
24. †Norfolk & Western Ry. Co.....	2,280
27. Philadelphia, Baltimore & Washington R. R. Co.....	
29. Rockdale Railroad Co.....	
30. Union Railroad Co.....	
33. †Western Maryland Ry. Co.....	270

†No report for year ended June 30, 1910.

†State of Maryland only.

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

6.

Revenue from Operating and the Classification Thereof, for the Year Ended June 30, 1911.

Totals.					Details of Revenue.	
Increase over Preceding Year.	Passenger Train Revenue.	Increase over Preceding Year.	Freight Revenue.	Increase over Preceding Year.	Passengers.	Baggage.
2	3	4	5	6	7	8
\$30,657	\$141,593	\$26,265	\$125,074	\$4,081	\$121,132	\$560
756,248	18,685,850	813,261	67,629,937	1,778,175	15,208,432	176,541
.....	69,761	.....	294,038	.....	57,300	698
48,322	33,990	11,455	884,740	35,639	27,598	484
6,889	43,456	4,566	473,216	1,664	34,137	502
1,057	6,997	1,865	8,560	486	5,089	.....
3,732	1,726	906	58,902	5,130	937	.....
.....	20,977	.....	61,373	.....	17,679	171
52,855	71,374	1,849	57,732	3,249	60,562	315
38,917	199,219	69,376	234,297	15,740	137,927	2,042
1,285	195,469	53,543	964,000	11,921	150,085	1,487
135,480	2,856,081	172,598	9,843,672	50,590	2,279,888	26,382
3,001	36,084	1,814	157,087	1,424	30,200	233
917,908	9,228,195	2,078,655	9,547,342	345,670	7,603,368	61,668
572	.....	.....	1,464	572	.....	.....
59,285	257,057	24,070	1,273,171	53,763	240,270	18
.....	740,247	.....	3,060,480	.....	576,908	3,393

Details of Revenue—Continued.

Express.	Milk on Passenger Trains.	Other Passenger Train Revenue.	Switching Revenue.	Special Trains.	Miscellaneous Transportation Revenue.	Station and Train Privileges.
10	11	12	13	14	15	16
\$12,718	.....	\$1,802	\$309	\$760	*\$821,827	\$245
1,780,347	307,507	43,953	895,330	28,299	23,644	49,846
7,596	598	501	489	94	492	46
3,440	39	59	1,849	13,170	36	172
5,570	1,219	181	364	126	209	23
1,531	.....	.....	.....	.....	.....	.....
755	34	.....	6,434	25	.....	.....
1,999	113	237	204	147	7	10
6,521	.....	409	.....	.....	**746,620	129
8,498	44,374	414	151	.....	.....	.....
36,378	.....	247	.....	71	.....	726
348,180	49,287	34,097	25,481	11,870	27,138	10,446
3,113	.....	78	.....	157	.....	42
1,013,890	99,897	94,239	27,591	12,105	54,874	9,749
.....
7,838	99	996	.....	.....	994	18
59,226	54,755	20,122	18,079	1,216	.....	1,496

Details of Revenue—Continued.

Freight and Baggage Storage.	Car Service.	Telegraph and Telephone Service.	Rents of Buildings and Other Property.	Joint Facilities Dr.	Joint Facilities Cr.	Miscellaneous.
18	19	20	21	22	23	24
\$45	\$1,433	.....	\$126	.....	.....	\$379
43,096	257,480	.....	11,945	95	181,125	320,305
80	745	69	.....	.....	.....	.....
.....	2,047	525	60	.....	.....	250
117	258	519	344	.....	.....	471
.....	.....	.....	812	.....	.....	584
.....	2	.....	.....	.....	.....	174
28	140	9	.....	.....	.....	55
52	486	.....	25	.....	.....	835
50	2,762	1,344	362	.....	.....	27
197	1,346	8,547	2,729	.....	.....	18
14,061	37,613	4,542	7,619	.....	4,584	18,235
39	80	.....	.....	.....	.....	38
3,925	34,404	23,076	17,562	15	112,446	4,930
.....
.....	.....	.....	208	.....	.....	3
2,307	7,581	.....	97	.....	.....	4,622

*Revenue from steamboat lines \$821,821.

**Revenue from steamboat lines \$746,620.

TABLE

Showing for Each of the Operating Steam Railroad Corporations Named Therein the Tot

Title of Corporation.			
			Maintenance of Way and Structures.
	Total Operating Expenses for Year ended June 30, 1911.	Increase over June 30, 1910.	
	1	2	3
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	\$861,447	\$69,245	\$55,021
3. Baltimore & Ohio R. R. Co.....	62,766,067	1,432,267	10,279,611
4. Baltimore & Sparrows Point R. R. Co.....	68,079	1,723	24,341
5. †Bedford & Bridgeport Ry. Co.....	260,184	.....	66,977
9. Cumberland & Penna. R. R. Co.....	690,311	80,081	85,177
10. Cumberland Valley R. R. Co.....	1,991,309	202,972	497,511
14. Emmitsburg R. R. Co.....	13,127	666	3,521
15. George's Creek & Cumberland R. R. Co.....	101,377	2,039	5,221
16. †Hollidaysburg, Bedford & Cumberland R. R. Co.....	64,340	.....	17,857
18. Maryland, Delaware & Virginia Ry. Co.....	789,213	76,644	39,147
19. Maryland & Pennsylvania R. R. Co.....	286,569	451	54,821
22. New York, Philadelphia & Norfolk R. R. Co.....	2,487,453	241,579	398,184
23. Northern Central Ry. Co.....	11,033,677	1,044,681	2,195,763
24. Norfolk & Western Ry. Co.....	22,958,280	1,911,520	4,328,711
27. Philadelphia, Baltimore & Washington R. R. Co.....	14,640,826	973,076	2,774,747
29. Rockdale Railroad Co.....	1,463	.....	408
30. Union Railroad Co.....	216,826	.....	113,445
33. †Western Maryland Ry. Co.....	4,440,228	2,414,200	857,880
Totals—Continued.			
Title of Corporation.	Distribution of Operating Expenses—Continued.		Super- Intendence.
	General Expenses.	Increase over June 30, 1910.	
	11	12	13
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	\$8,114	\$798	\$2,702
3. Baltimore & Ohio R. R. Co.....	1,837,365	154,946	562,212
4. Baltimore & Sparrows Point R. R. Co.....	3,082	1,095	640
5. †Bedford & Bridgeport Ry. Co.....	7,402	.....	4,653
9. Cumberland & Penna. R. R. Co.....	38,416	4,500	6,010
10. Cumberland Valley R. R. Co.....	86,018	8,930	24,564
14. Emmitsburg R. R. Co.....	753	215	133
15. George's Creek & Cumberland R. R. Co.....	5,463	170	1,587
16. †Hollidaysburg, Bedford & Cumberland R. R. Co.....	1,929	.....	1,450
18. Maryland, Delaware & Virginia Ry. Co.....	3,109	45	2,254
19. Maryland & Pennsylvania R. R. Co.....	21,883	3,864	1,941
22. New York, Philadelphia & Norfolk R. R. Co.....	135,512	20,856	16,027
23. Northern Central Ry. Co.....	300,664	31,041	109,049
24. Norfolk & Western Ry. Co.....	731,381	10,106	138,704
27. Philadelphia, Baltimore & Washington R. R. Co.....	444,804	57,438	168,783
29. Rockdale Railroad Co.....	76	.....	.....
30. Union Railroad Co.....	26,022	3,226	7,698
33. †Western Maryland Ry. Co.....	159,607	73,941	44,226

†No report for 1910.

†Report for 1910 covers operations of seven months only.

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 7.

Operating Expenses for the Year Ended June 30, 1911, and the Distribution of Such Expenses.

Totals.						
Distribution of Operating Expenses.						
Increase over June 30, 1910.	Maintenance of Equipment.	Increase over June 30, 1910.	Traffic Expenses.	Increase over June 30, 1910.	Transporta- tion Expenses.	Increase over June 30, 1910.
4	5	6	7	8	9	10
\$2,273	\$25,855	\$4,752	\$6,003	\$303	*\$766,448	\$63,323
1,881,793	15,881,620	492,155	1,948,966	71,763	82,818,500	3,079,508
268	946	5,453	1,907	1,870	37,799	4,479
.....	61,719	.....	3,626	.....	124,462	.....
20,930	287,494	35,650	2,669	2,551	276,558	21,554
69,449	391,372	49,314	55,626	4,941	960,782	70,339
2,024	1,683	1,107	329	94	6,533	1,891
102	60,487	2,603	2,076	50	28,118	4,965
.....	14,675	.....	908	.....	28,977	.....
4,408	21,241	6,150	4,404	122	**721,311	74,978
8,215	47,745	948	7,057	166	155,058	11,749
59,705	587,984	33,368	50,922	9,262	1,314,851	118,388
617,006	2,426,698	72,573	196,824	28,861	6,003,708	440,349
576,672	6,638,842	686,935	586,716	34,910	10,672,624	602,898
70,763	3,083,987	97,359	338,882	35,541	8,048,405	910,693
.....	34	.....	4	.....	945	.....
.....	.....	.....	9,996	.....	67,362	.....
536,405	856,038	442,316	109,702	60,021	2,457,000	1,289,792

Details of Operating Expenses.

Maintenance of Way and Structures.						
Maintenance of Roadway and Track.	Maintenance of Track Structures.	Maintenance of Buildings, Docks and Wharves.	Injuries to Persons.	Other Maintenance of Way and structures expenses.	Maintaining Joint Tracks, Yards and other Facilities. Dr.	Maintaining Joint Tracks, Yards and other Facilities. Cr.
14	15	16	17	18	19	20
\$41,596	\$4,551	\$5,534	\$22	\$625	\$352	\$356
6,655,252	1,666,672	1,083,413	20,880	96,246	361,018	166,076
16,526	6,408	670	.....	99	.....	.....
46,988	1,458	2,935	2	1,197	9,369	712
63,942	5,005	7,617	.....	1,458	1,144	.....
289,240	128,346	57,466	1,264	7,835	2,819	9,024
3,451	.....	.....	.....	243	.....	.....
10,983	2,869	448	.....	124	.....	10,780
12,471	1,220	1,170	.....	217	1,486	164
26,661	7,548	1,890	.....	342	488	36
42,543	8,220	1,764	341	17	.....	.....
199,129	27,375	149,640	125	5,426	462	.....
1,279,800	313,845	472,245	1,170	27,168	95,439	184,932
2,955,610	675,508	446,558	12,954	92,274	22,899	15,790
1,482,418	539,812	321,824	1,804	46,041	289,866	73,800
403	.....	.....	.....	.....	.....	.....
81,366	20,961	1,013	290	2,127	.....	.....
624,303	71,098	74,835	1,394	17,969	26,690	2,635

*Includes \$668,118 expenses of steamboat lines.

**Includes \$664,459 expenses of steamboat lines.

TABLE No. 7

Title of Corporation.			
	Super-	Repairs to	Repairs to
	Intendence.	Loco- motives.	Cars.
	21	22	23
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	\$2,251	\$7,740	\$7,428
3. Baltimore & Ohio R. R. Co.....	522,827	5,886,524	6,044,630
4. Baltimore & Sparrows Point R. R. Co.....	.....	897	40
5. †Bedford & Bridgeport Ry. Co.....	2,654	25,862	21,361
9. Cumberland & Penna. R. R. Co.....	9,983	36,791	125,961
10. Cumberland Valley R. R. Co.....	12,189	152,941	109,834
14. Emmitsburg R. R. Co.....	133	1,456	82
15. George's Creek & Cumberland R. R. Co.....	139	4,664	51,908
16. †Hollidaysburg, Bedford & Cumberland R. R. Co.....	708	7,211	4,937
18. Maryland, Delaware & Virginia Ry. Co.....	2,181	7,646	4,927
19. Maryland & Pennsylvania R. R. Co.....	2,185	15,494	13,890
22. New York, Philadelphia & Norfolk R. R. Co.....	17,197	129,445	124,064
23. Northern Central Ry. Co.....	104,370	845,736	1,015,575
24. Norfolk & Western Ry. Co.....	137,422	1,925,647	2,887,313
27. Philadelphia, Baltimore & Washington R. R. Co.....	120,273	1,073,154	1,178,003
29. Rockdale Railroad Co.....	.....	84	.....
30. Union Railroad Co.....	.....	.....	.....
33. †Western Maryland Ry. Co.....	24,892	360,276	352,907

Title of Corporation.	Maintenance of Equipment —Continued.	Traffic Expenses.	
	Maintaining Joint Equipment at Terminals. Cr.	Super- intendence.	Other Traffic Expenses.
	31	32	33
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	.....	\$2,273	\$3,730
3. Baltimore & Ohio R. R. Co.....	\$32	643,591	1,305,375
4. Baltimore & Sparrows Point R. R. Co.....	.....	.....	1,907
5. †Bedford & Bridgeport Ry. Co.....	.....	.....	3,626
9. Cumberland & Penna. R. R. Co.....	.....	1,443	1,228
10. Cumberland Valley R. R. Co.....	703	20,530	35,096
14. Emmitsburg R. R. Co.....	.....	.....	329
15. George's Creek & Cumberland R. R. Co.....	.....	2,021	55
16. †Hollidaysburg, Bedford & Cumberland R. R. Co.....	.....	.....	906
18. Maryland, Delaware & Virginia Ry. Co.....	.....	1,493	2,912
19. Maryland & Pennsylvania R. R. Co.....	.....	.....	7,057
22. New York, Philadelphia & Norfolk R. R. Co.....	.....	19,944	30,979
23. Northern Central Ry. Co.....	18,970	62,734	131,090
24. Norfolk & Western Ry. Co.....	23,426	144,713	442,003
27. Philadelphia, Baltimore & Washington R. R. Co.....	15,213	87,996	250,886
29. Rockdale Railroad Co.....	.....	.....	4
30. Union Railroad Co.....	.....	.....	9,996
33. †Western Maryland Ry. Co.....	.....	46,917	62,785

†No report for 1910.

‡Report for 1910 covers operations of seven months only.

—Continued.

Details of Operating Expenses—Continued.

Maintenance of Equipment.

Repairs to Floating Equipment.	Repairs to Work Equipment.	Renewals of Equipment.	Depreciation of Equipment.	Injuries to Persons.	Other Maintenance of Equipment Expenses.	Maintaining Joint Equipment at Terminals. Dr.
24	25	26	27	28	29	30
.....	\$31	\$9	\$7,940	.....	\$455	.....
\$54,904	55,906	334,463	2,285,381	\$18,069	635,865	\$43,063
.....	1,357	1,344	8,153	21	965	.....
.....	337	921	107,530	97	7,696	.....
.....	9,201	6,807	77,396	2,299	20,343	1,568
.....	.....	.....	.....	.....	1	.....
.....	352	137	3,136	.....	580	.....
.....	3	.....	1,217	.....	92	.....
.....	.....	.....	5,740	.....	744	.....
.....	.....	1,096	12,418	623	2,039	.....
86,046	1,123	17,933	202,807	85	6,906	2,378
474	10,895	58,865	284,169	1,680	49,690	74,265
612	48,001	74,448	1,434,957	12,165	129,654	12,050
1,396	17,838	57,813	427,537	1,859	78,766	97,469
.....
3,172	3,150	11,251	85,095	1,178	14,217	.....

Details of Operating Expenses—Continued.

Transportation Expenses.

Super- intendence and dispatching Trains.	Station Service.	Yard Enginemen.	Other Yard Employees.	Fuel for Yard Locomo- tives.	All Other Yard Expenses.	Operating Joint Yards and Terminals. Dr.
34	35	36	37	38	39	40
\$4,946	\$20,080	\$871	\$3,583	\$1,204	\$89	.....
1,140,128	4,506,826	1,228,097	3,175,163	795,187	447,168	\$622,565
7,649	5,025	4,318	6,632	3,301	528	1,214
8,178	16,491	.....	89	.....	.....	5,574
24,612	43,313	.....	.....	.....	.....	496
77,420	179,371	20,520	56,627	34,119	8,478	24,340
133	519	.....	.....	.....	.....	.....
5,661	4,431	1,777	2,161	363	441	1,264
2,126	4,534	.....	24	.....	.....	1,085
4,165	12,749	.....	.....	268	5	.....
5,890	34,859	2,532	2,792	4,118	1,802	.....
63,466	265,006	22,831	49,832	26,433	7,527	26,963
467,836	1,194,147	151,399	342,982	145,750	65,905	537,089
623,235	1,279,765	288,151	796,902	123,388	129,980	194,856
562,164	992,772	200,002	598,551	186,627	83,072	925,791
.....
33,152	6,833	.....	535	.....	106	1,055
175,496	309,253	79,440	166,918	48,235	38,175	13,821

TABLE No. 7

Title of Corporation.		
	Operating Joint Yards and Terminals. Cr.	Road Enginemen and Motormen.
	41	42
2. Baltimore, Chesapeake & Atlantic Ry. Co.....		\$12,738
3. Baltimore & Ohio R. R. Co.....	\$31,179	4,970,137
4. Baltimore & Sparrows Point R. R. Co.....		1,704
5. †Bedford & Bridgeport Ry. Co.....	2,028	22,800
9. Cumberland & Penna. R. R. Co.....		49,777
10. Cumberland Valley R. R. Co.....	62,868	110,845
14. Emmitsburg R. R. Co.....		576
15. George's Creek & Cumberland R. R. Co.....		5,257
16. †Hollidaysburg, Bedford & Cumberland R. R. Co.....	427	5,079
18. Maryland, Delaware & Virginia Ry. Co.....		7,510
19. Maryland & Pennsylvania R. R. Co.....		20,481
22. New York, Philadelphia & Norfolk R. R. Co.....		76,100
23. Northern Central Ry. Co.....	194,231	679,897
24. Norfolk & Western Ry. Co.....	114,484	1,921,220
27. Philadelphia, Baltimore & Washington R. R. Co.....	311,948	862,320
29. Rockdale Railroad Co.....		600
30. Union Railroad Co.....	779	
33. †Western Maryland Ry. Co.....	31,806	425,979

Title of Corporation.		
	Transportation	All Other Transportation Expenses.
		50
2. Baltimore, Chesapeake & Atlantic Ry. Co.....		\$6,176
3. Baltimore & Ohio R. R. Co.....		1,782,112
4. Baltimore & Sparrows Point R. R. Co.....		2,018
5. †Bedford & Bridgeport Ry. Co.....		6,915
9. Cumberland & Penna. R. R. Co.....		7,362
10. Cumberland Valley R. R. Co.....		43,363
14. Emmitsburg R. R. Co.....		
15. George's Creek & Cumberland R. R. Co.....		576
16. †Hollidaysburg, Bedford & Cumberland R. R. Co.....		1,639
18. Maryland, Delaware & Virginia Ry. Co.....		3,141
19. Maryland & Pennsylvania R. R. Co.....		4,853
22. New York, Philadelphia & Norfolk R. R. Co.....		406,354
23. Northern Central Ry. Co.....		294,025
24. Norfolk & Western Ry. Co.....		297,264
27. Philadelphia, Baltimore & Washington R. R. Co.....		500,207
29. Rockdale Railroad Co.....		
30. Union Railroad Co.....		24,637
33. †Western Maryland Ry. Co.....		76,920

†No report for 1910.

‡Report for 1910 covers operations of seven months only.

—Continued.

Details of Operating Expenses—Continued.

Transportation Expenses—Continued.

Fuel for Road Locomotives.	Other Locomotive Supplies and Expenses.	Road Trainmen.	Train Supplies and Expenses.	Injuries to Persons	Loss and Damage.	Other Casualties, Cleaning Wrecks, etc.
43	44	45	46	47	48	49
\$21,368	\$6,994	\$17,808	\$1,858	\$320	\$604	\$9
5,019,939	1,724,254	4,886,163	1,144,732	396,226	676,926	327,030
2,297	369	2,545	6	114	.....	.....
21,715	8,432	24,944	4,121	18	593	566
49,098	26,948	65,639	4,959	2	961	1,870
220,072	88,348	119,044	36,953	4,645	6,811	2,965
2,598	156	790	520	.....	.....	1,242
5,632	1,612	4,648	516	3	101	90
5,033	2,035	5,831	878	2	50	72
12,458	3,792	10,841	1,761	14	443	24
40,568	6,407	24,838	4,141	902	884	491
189,765	34,923	106,845	17,644	3,031	21,234	3,382
1,099,956	264,870	666,619	234,072	5,364	41,043	28,858
1,972,575	747,215	1,566,360	288,886	180,475	194,982	183,906
1,546,422	381,877	1,022,394	346,153	24,949	71,375	36,491
293	18	85	.....	.....	.....	.....
.....	.....	.....	486	8	912	396
385,708	200,940	432,211	56,613	22,830	19,967	28,607

Details of Operating Expenses—Continued.

Expenses—Continued.		General Expenses.				
Operating Joint Tracks, and Terminals. Dr.	Operating Joint Tracks, and Terminals. Cr.	Administra- tion.	Insurance.	Other General Expenses.	General Ad- ministration of Joint Tracks, Yards and Terminals. Dr.	General Ad- ministration of Joint Tracks, Yards and Terminals. Cr.
51	52	53	54	55	56	57
\$141	\$152	\$7,388	\$10	\$715	.....	.....
159,739	152,714	1,281,118	212,240	305,593	\$38,565	\$152
.....	.....	2,856	120	106	.....	.....
6,038	.....	5,196	.....	2,203	.....	.....
1,527	.....	28,382	3,755	6,279	.....	.....
24	10,300	61,085	8,947	15,986	.....	.....
.....	.....	592	78	84	.....	.....
851	7,187	4,819	696	448	.....	.....
915	.....	1,301	.....	628	.....	.....
195	14	3,802	.....	307	.....	.....
.....	.....	14,610	534	6,735	.....	.....
.....	604	86,333	45,077	4,084	18	.....
43,081	54,904	203,699	.....	96,408	557	.....
8,514	10,566	587,465	83,118	60,816	369	387
82,576	22,380	320,185	.....	115,914	12,382	3,677
.....	.....	.....	.....	76	.....	.....
.....	.....	20,787	.....	5,235	.....	.....
11,135	1,447	132,889	10,698	15,984	36	.....

TABLE

Showing for Each of the Operating Steam Railroad Corporations Named Therein the
June 30,

Title of Corporation.	General Officers.	Other Officers.
	1	2
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	\$16 77	\$6 45
3. Baltimore & Ohio R. R. Co.....	18 27	5 49
4. Baltimore & Sparrows Point R. R. Co.....		
5. Bedford & Bridgeport Ry. Co.....		
9. Cumberland & Penna. R. R. Co.....	12 20	5 08
10. Cumberland Valley R. R. Co.....	11 31	9 65
14. Emmitsburg R. R. Co.....	62	
15. George's Creek & Cumberland R. R. Co.....	25 47	7 01
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....		
18. Maryland, Delaware & Virginia Ry. Co.....	16 97	6 53
19. Maryland & Pennsylvania R. R. Co.....	4 61	4 11
22. New York, Philadelphia & Norfolk R. R. Co.....	10 08	20 61
23. Northern Central Ry. Co.....	9 47	6 21
24. Norfolk & Western Ry. Co.....	89 73	12 19
27. Philadelphia, Baltimore & Washington R. R. Co.....		6 89
29. Rockdale R. R. Co.....		
30. Union Railroad Co.....		7 91
33. Western Maryland Ry. Co.....	20 54	6 01

Title of Corporation.	Machinists.	Carpenters.
	10	11
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	\$2 35	\$2 47
3. Baltimore & Ohio R. R. Co.....	3 53	2 39
4. Baltimore & Sparrows Point R. R. Co.....		
5. Bedford & Bridgeport Ry. Co.....		
9. Cumberland & Penna. R. R. Co.....	2 21	2 39
10. Cumberland Valley R. R. Co.....	2 79	2 41
14. Emmitsburg R. R. Co.....		
15. George's Creek & Cumberland R. R. Co.....	2 81	2 21
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....		
18. Maryland, Delaware & Virginia Ry. Co.....	2 64	2 55
19. Maryland & Pennsylvania R. R. Co.....	3 06	2 25
22. New York, Philadelphia & Norfolk R. R. Co.....	8 12	2 62
23. Northern Central Ry. Co.....	2 77	3 02
24. Norfolk & Western Ry. Co.....		2 89
27. Philadelphia, Baltimore & Washington R. R. Co.....	3 34	3 11
29. Rockdale R. R. Co.....		
30. Union Railroad Co.....		
33. Western Maryland Ry. Co.....	2 91	2 39

No. 8.

Average Daily Salaries and Wages of Officers and Employees During the Year Ended 1911.

General Office Clerks.	Station Agents.	Other Station Men.	Engine Men.	Firemen.	Conductors.	Other Trainmen.
3	4	5	6	7	8	9
\$1 94 2 36	\$ 94 2 08	\$1 87 1 86	\$4 74 4 49	\$2 54 2 79	\$4 30 3 72	\$2 65 2 70
.....	4 36	1 69	.....	.....	.....	.....
3 00	2 06	1 78	4 24	2 55	3 48	2 46
2 57	1 92	1 52	4 62	2 63	3 79	2 58
94	.....	.....	1 80	1 85	1 50	.....
.....	1 81	53	4 58	2 71	3 94	2 65
.....	4 84	1 69	.....	.....	.....	.....
2 15	1 04	1 29	3 67	2 39	3 52	2 83
1 79	1 25	1 40	3 54	2 09	3 06	2 17
2 39	1 96	1 68	4 52	2 54	3 69	2 58
2 43	2 83	2 06	5 28	3 18	4 22	3 15
2 51	2 45	1 48	5 81	2 96	4 09	2 59
2 66	2 26	1 94	5 68	3 32	4 78	3 06
.....	.....	.....	1 66	1 25	.....	.....
.....	3 73	1 77	.....	.....	.....	.....
2 01	1 48	1 52	4 67	2 80	4 06	2 62
.....
Other Shopmen.	Section Foremen.	Other Trackmen.	Switch and Crossing Tenders and Watchmen.	Telegraph Operators and Dispatchers.	Employees on Floating Equipment.	All Other Employees and Laborers.
12	13	14	15	16	17	18
\$1 94 2 17	\$2 00 2 14	\$1 39 1 56	\$1 20 1 57	\$2 36 2 28	\$1 01 2 45	\$1 65 1 82
.....	.....	.....	.....	.....	.....	2 06
2 04	2 13	1 59	1 33	2 08	.....	1 43
1 84	2 06	1 57	1 66	2 28	.....	2 02
.....	1 25	1 20	.....	.....	.....	.....
1 87	2 08	1 53	1 00	2 37	.....	1 92
.....	.....	.....	.....	.....	.....	2 06
1 74	2 00	1 45	1 17	2 01	1 02	1 72
1 88	1 79	1 50	1 10	1 85	.....	1 67
1 97	2 25	1 28	1 86	2 28	.....	2 13
2 28	2 23	1 72	1 61	2 24	2 40	2 29
.....	2 06	1 45	.....	2 20	.....	2 41
2 70	2 26	1 63	1 82	2 56	2 19	1 96
.....	1 68	1 25	.....	.....	.....	.....
.....	2 80	1 65	1 60	2 60	.....	1 44
1 85	2 19	1 50	1 34	2 25	2 00	1 81

TABLE

Showing for Each of the Operating Steam Railroad Corporations Named Therein, Both for Miles Operated on June 30, 1911, and the Number

Title of Corporation.	Line Owned			
	Main Line.	Branches and Spurs.	Second Track.	Third Track.
	Miles.	Miles.	Miles.	Miles.
	1	2	3	4
2. Baltimore, Chesapeake & Atlantic Ry. Co.	87.08	.60	13.77	.....
3. Baltimore & Ohio R. R. Co.	879.45	277.11	298.69	111.26
5. Bedford & Bridgeport Ry. Co.	10.77	10.47	.....	.....
9. C. & A. R. R. Co.	32.85	20.48	6.51	2.79
10. C. & P. R. R. Co.	81.77	24.91	.....	.....
14. E. & A. R. R. Co.	7.00	1.00	.....	.....
15. G. & A. R. R. Co.	20.80	11.17	1.00	.....
16. H. & A. R. R. Co.	72.97	9.45	.....	.....
18. M. & A. R. R. Co.	78.10	6.48	.....	.....
19. M. & A. R. R. Co.	1.00	.80	.....	.....
20. M. & A. R. R. Co.	95.00	17.00	48.75	.....
22. N. Y. & N. R. R. Co.	117.00	8.62	135.83	18.91
24. N. Y. & N. R. R. Co.	1639.47	447.31	389.44	.....
27. Phila., Balto. & Washington R. R. Co.	184.86	111.11	132.98	61.76
29. Rockdale Railroad Co.	3.25	.....	.....	.....
30. Union Railroad Co.	.....	.....	.....	.....
33. Western Maryland Ry. Co.	292.40	100.82	31.09	.....
32. Wash., Potomac & Chesapeake Ry. Co.	21.00	.....	.....	.....

Title of Corporation.	Line Operated—Continued.			
	Increase Over Preceding Year.	Total Mileage Operated, All Tracks.	Increase Over Preceding Year.	In Maryland Miles Operated, Single Track.
	Miles.	Miles.	Miles.	Miles.
	12	13	14	15
2. Baltimore, Chesapeake & Atlantic Ry. Co.	101.43	.88	87.08
3. Baltimore & Ohio R. R. Co.	4.85	8567.74	15.14	290.33
5. Bedford & Bridgeport Ry. Co.	92.05	.....	8.33
9. Cumberland & Penna. R. R. Co.	5.00	114.59	5.19	55.40
10. Cumberland Valley R. R. Co.	304.44	4.76	14.03
14. Emmitsburg R. R. Co.	8.20	.....	8.20
15. George's Creek & Cumberland R. R. Co.	48.41	.....	31.77
16. Hollid's, Bedford & Cumb'd R. R. Co.	117.16	.....	8.33
18. Maryland, Delaware & Virginia Ry. Co.	.10	92.84	.18	45.06
19. Maryland & Pennsylvania R. R. Co.	89.05	.....	44.90
20. Md. & Penna. Terminal Ry. Co.	1.00	.....	1.00
22. N. Y. Phila. & Norfolk R. R. Co.	242.91	.....	53.00
23. Northern Central Ry. Co.	1097.60	.55	77.00
24. Norfolk & Western Ry. Co.	3452.67	.....	16.21
27. Phila., Balto. & Washington R. R. Co.	1413.52	.....	324.93
29. Rockdale Railroad Co.	3.25	.....	3.25
30. Union Railroad Co.	37.18	.27	9.50
33. Western Maryland Ry. Co.	833.81	.....	221.58
32. Wash., Potomac & Chesapeake Ry. Co.	23.02	.....	21.00

No. 9.

the System as a Whole and for That Part Within the State of Maryland, the Number of and Total Length of Bridges, Tunnels, Trestles, Etc.

		Line Operated.				
Fourth Track.	Yard Tracks and Sidings.	Lines of Proprietary Companies, All Tracks.	Operated Under Lease, All Tracks.	Operated Under Contracts, etc. All Tracks.	Operated Under Track-age Rights, All Tracks.	Total Mileage Operated, Single Track.
Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.
5	6	7	8	9	10	11
16.66	524.06	6770.26	.37		189.88	87.66
	20.59				9.22	4433.74
	24.65			21.96	5.57	58.28
				55.51		61.81
						162.19
	15.60					8.20
	14.96					31.77
	8.69				30.52	80.90
	9.15		1.00		5.72	83.62
						79.90
	79.32					1.00
19.12	181.46		214.31	233.45	150.07	112.00
	1058.96	3.51			18.98	472.00
40.28	212.69		385.91	318.00	15.93	2004.27
						713.49
						3.25
	203.73		118.30	95.27	2.70	9.50
	.90					543.00
						23.02

	Rails.		Bridges.			
In Maryland.	Iron.	Steel.	Concrete, Metal.	Aggregate Length in Feet.	Stone.	Aggregate Length in Feet.
16	17	18	19	20	21	22
100.00	1.10	100.33				
6.32	14.09	8363.77	49	1,382	84	4,178
14.37						
89.64		56.24			2	273
86.60						
100.00		8.20				
100.00		48.41				
10.36	2.82	83.82				
53.87	1.75	85.37				
55.07		89.05				
100.00		1.00				
46.43		242.91			3	80
16.31	3.80	943.73			10	148
8.08		3452.67			1	16
45.54	26.36	1371.23			38	911
100.00		3.25				
100.00						
40.80	9.48	821.63				
91.30	12.00	9.00				

TABLE No. 9

Title of Corporation.	Bridges—		
	Iron.	Aggregate Length in Feet.	Wooden.
	23	24	25
1. B. & O. Co.	142	431	1
2. B. & O. Co.	142	19,744	1
3. B. & O. Co.	45	2,688	7
10. C. & D. Co.	2	1,122	
14. E. & F. Co.	2	170	
15. G. & H. Co.	7	2,858	
16. I. & J. Co.	2	260	
18. K. & L. Co.	8	1,858	
20. Maryland & Pennsylvania Terminal Ry. Co.	2	200	
22. New York, Philadelphia & Norfolk R. R. Co.	70	5,254	2
23. Northern Central Ry. Co.	9	1,516	
24. Norfolk & Western Ry. Co.	64	10,030	
27. Philadelphia, Baltimore & Washington R. R. Co.			1
29. Rockdale Railroad Co.			
30. Union Railroad Co.	107	19,029	32
33. Western Maryland Ry. Co.			
32. Washington, Potomac & Chesapeake Ry. Co.			

Continued.

Continued.			Trestles and Tunnels.			
Aggregate Length in Feet.	Combination.	Aggregate Length in Feet.	Trestles.	Aggregate Length in Feet.	Tunnels.	Aggregate Length in Feet.
26	27	28	29	30	31	32
20			38	9,683		
16	31	751	28	5,110	23	20,258
105			12	707	3	1,363
			13	4,678	2	790
			28	4,243		
			44	8,105		
			1	277		
34			1	258		
			28	9,764	5	7,505
60						
429			16	5,223	3	7,905

TABLE

Showing for Each of the Operating Steam Railroad Corporations Named Therein the Total Character of Equipment

Title of Corporation.			
Passenger.			
Freight.			
Switching.			
1			
2			
3			
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	7	8	
3. Baltimore & Ohio R. R. Co.....	358	1,688	202
9. Cumberland & Penna. R. R. Co.....	3	23	
10. Cumberland Valley R. R. Co.....	21	39	5
14. Emmitsburg R. R. Co.....		2	
15. George's Creek & Cumberland R. R. Co.....	1	17	
18. Maryland, Delaware & Virginia Ry. Co.....	6	3	
19. Maryland & Pennsylvania R. R. Co.....	5	8	1
22. New York, Philadelphia & Norfolk R. R. Co.....	7	26	4
23. Northern Central Ry. Co.....	45	169	22
24. Norfolk & Western Ry. Co.....	118	830	43
27. Philadelphia, Baltimore & Washington R. R. Co.....	217	91	57
29. Rockdale Railroad Co.....		1	
33. Western Maryland Ry. Co.....	91	182	9
Title of Corporation.			
Emigrant.			
Dining.			
Parlor.			
11			
12			
13			
2. B Ry. Co.....			2
8. B	30	46	
9. C			
10. C			
14. E			
15. G Co.....			
18. M Co.....			2
19. M			
22. N R. R. Co.....			
23. N			
24. N		10	
27. F jton R. R. Co.....			
29. Rockdale Railroad Co.....			
33. Western Maryland Ry. Co.....			5

a. 10.

Number of Locomotives, the Total Number of Passenger, Freight and Service Cars and the Same on June 30, 1911.

Locomotives.				Passenger Service Cars.		
Total.	Increase Over Preceding Year.	Fitted With Train Brake.	Fitted With Automatic Coupler.	First Class.	Second Class.	Combination.
4	5	6	7	8	9	10
12	1	12	12	21		
2,193	150	2,193	2,193	563	38	139
26		26	26	10	7	3
65	1	65	65	46		8
2		2	2	1		1
18	8	18	18		1	2
9	1	9	9	15		4
12	1	12	12	16		3
37	1	37	37	19		
236	11	236	236	99		20
991	23	991	991	222		26
335	10	335	335	286		61
1		1	1			
172	1	172	172	29	54	17

Passenger Service Cars—Continued.						Freight Service Cars.
Baggage, Express and Postal.	Others.	Total.	Increase Over Preceding Year.	Fitted With Train Brake.	Fitted With Automatic Coupler.	Box.
14	15	16	17	18	19	20
5		28	3	28	28	47
342	4	1,162	5	1,162	1,162	31,633
2		22		22	22	5
12	2	68	1	68	68	326
		2		2	2	
		3		3	3	2
1		22		22	22	30
8		27	1	27	27	132
21		40	14	40	40	1,173
50		169	3	169	169	2,957
135	1	394	8	394	394	8,294
75		422	10	422	422	2,075
						1
15	12	132	1	132	132	949

TABLE No. 11

Title of Corporation.			
	Flat.	Stock.	Coal.
	21	22	23
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	26	.....	.....
3. Baltimore & Ohio R. R. Co.....	2,013	1,251	53,181
9. Cumberland & Penna. R. R. Co.....	1	.....	1,922
10. Cumberland Valley R. R. Co.....	61	22	224
14. Emmitsburg R. R. Co.....	.....	.....	.....
15. George's Creek & Cumberland R. R. Co.....	9	.....	1,600
18. Maryland, Delaware & Virginia Ry. Co.....	8	.....	.....
19. Maryland & Pennsylvania R. R. Co.....	5	8	28
22. New York, Philadelphia & Norfolk R. R. Co.....	.....	.....	.....
28. Northern Central Ry. Co.....	23	3	6,269
24. Norfolk & Western Ry. Co.....	635	2,280	29,950
27. Philadelphia, Baltimore & Washington R. R. Co.....	141	.....	1,490
29. Rockdale R. R. Co.....	.....	.....	.....
33. Western Maryland Ry. Co.....	60	73	4,722

Title of Corporation.				
	Officers and Pay.	Gravel.	Derrick.	Caboose.
	31	32	33	34
2. Balto., Chesapeake & Atlantic Ry. Co..	.....	.....	.....	2
3. Baltimore & Ohio R. R. Co.....	19	578	49	1,180
9. Cumberland & Penna. R. R. Co.....	3	.....	2	20
10. Cumberland Valley R. R. Co.....	1	12	4	30
14. Emmitsburg R. R. Co.....	.....	.....	.....	.....
15. George's Creek & Cumberland R. R. Co.	.....	2	2	24
18. Maryland, Delaware & Virginia Ry. Co.	.....	.....	.....	1
19. Maryland & Pennsylvania R. R. Co....	.....	.....	.....	3
22. N. Y., Phila. & Norfolk R. R. Co.....	1	.....	1	26
23. Northern Central Ry. Co.....	2	30	11	136
24. Norfolk & Western Ry. Co.....	8	238	37	486
27. Phila., Balto. & Washington R. R. Co....	5	86	13	175
29. Rockdale Railroad Co.....	.....	.....	.....	.....
33. Western Maryland Ry. Co.....	2	126	6	76

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

-Continued.

Freight Service Cars—Continued.

Tank.	Refrigerator.	Others.	Total.	Increase Over Preceding Year.	Fitted With Train Brake.	Fitted With Automatic Coupler.
24	25	26	27	28	29	30
.....	73	.....	73	73
15	1,436	3	89,582	4,614	89,220	89,582
.....	1,928	17	1,928	1,928
.....	633	18	633	633
.....
.....	1,620	419	1,614	1,620
.....	38	.....	38	38
.....	173	14	173	173
.....	100	1,278	31	1,278	1,273
.....	9,252	207	9,249	9,252
.....	41,109	3,132	41,109	41,109
.....	3,715	12	3,715	3,715
.....	1	.....	1	1
.....	4	972	6,780	174	6,766	6,780

Company's Service Cars.

Totals.

Others.	Total.	Increase Over Preceding Year.	Fitted With Train Brake.	Fitted With Automatic Coupler.	Total Cars in Service.	Increase Over Preceding Year.
35	36	37	38	39	40	41
2	4	.....	.....	4	105	3
2,259	4,080	110	93,303	94,774	94,774	4,729
7	32	.....	12	32	1,982	17
54	133	.....	101	133	834	19
.....	.....	.....	.....	.....	2	.....
2	30	12	6	30	1,653	431
2	3	.....	.....	3	63	.....
13	16	2	3	16	216	15
51	79	5	79	79	1,392	12
41	220	2	219	220	9,641	202
769	1,554	57	1,533	1,554	43,057	3,197
53	332	74	323	332	4,469	62
.....	.....	.....	.....	.....	1	.....
103	313	68	199	313	7,225	107

TABLE

Showing for Each of the Operating Steam Railroad Corporations Named Therein the Number of Miles, Freight Revenue Per Mile, Number of Tons of Freight Carried, Freight Traffic

Title of Corporation.			
	Number of Passengers Carried Earning Revenue.	Increase Over Preceding Year.	Number of Passengers Carried One Mile.
	1	2	3
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	308,263	25,278	6,110.5
3. Baltimore & Ohio R. R. Co.....	21,969,166	862,046	795,864.8
5. Bedford & Bridgeport Ry. Co.....	169,242	.....	2,551.5
9. Cumberland & Penna. R. R. Co.....	129,527	52,995	1,052.0
10. Cumberland Valley R. R. Co.....	1,878,297	49,482	34,399.3
15. George's Creek & Cumberland R. R. Co.....	4,719	1,807	42.3
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....	42,195	.....	778.9
18. Maryland, Delaware & Virginia Ry. Co.....	140,156	3,736	3,144.2
19. Maryland & Pennsylvania R. R. Co.....	470,454	17,678	7,007.4
22. New York, Philadelphia & Norfolk R. R. Co.....	629,920	43,912	18,636.6
23. Northern Central Ry. Co.....	4,983,857	118,609	112,234.1
24. Norfolk & Western Ry. Co.....	5,165,754	5,079,676	193,756.6
27. Philadelphia, Baltimore & Washington R. R. Co.....	18,140,636	243,200	387,676.8
29. Rockdale Railroad Co.....	.....	.....	.....
33. Western Maryland Ry. Co.....	2,302,785	1,359,836	54,665.0

Title of Corporation.	Passenger Traffic—Continued		
	Increase Over Preceding Year.	Total Passenger Service Train Revenue.	Passenger Service Train Revenue Per Mile of Road.
	11	12	13
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	.00249	\$141,592	\$1,615.25
3. Baltimore & Ohio R. R. Co.....	.00014	18,685,849	4,214.47
5. Bedford & Bridgeport Ry. Co.....	.....	69,761	1,197.00
9. Cumberland & Penna. R. R. Co.....	.00030	34,037	1,070.37
10. Cumberland Valley R. R. Co.....	.00034	748,304	4,613.76
15. George's Creek & Cumberland R. R. Co.....	.01102	1,726	54.33
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....	.....	20,976	259.29
18. Maryland, Delaware & Virginia Ry. Co.....	.00059	71,373	853.55
19. Maryland & Pennsylvania R. R. Co.....	.00017	199,219	2,493.36
22. New York, Philadelphia & Norfolk R. R. Co.....	.00005	558,787	4,944.54
23. Northern Central Ry. Co.....	.00064	2,856,081	6,061.02
24. Norfolk & Western Ry. Co.....	.00007	5,093,525	2,582.78
27. Philadelphia, Baltimore & Washington R. R. Co.....	.00046	9,228,194	12,933.89
29. Rockdale Railroad Co.....	.....	.....	.....
33. Western Maryland Ry. Co.....	.00029	1,199,283	2,208.62

Title of Corporation.		
	Average Distance Haul of One Ton.	Total Freight Revenue.
	21	22
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	18.24	\$125,074
3. Baltimore & Ohio R. R. Co.....	193.29	67,629,957
5. Bedford & Bridgeport Ry. Co.....	31.98	294,037
9. Cumberland & Penna. R. R. Co.....	13.22	893,293
10. Cumberland Valley R. R. Co.....	52.85	2,250,413
15. George's Creek & Cumberland R. R. Co.....	17.83	58,902
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....	29.26	61,372
18. Maryland, Delaware & Virginia Ry. Co.....	18.67	57,731
19. Maryland & Pennsylvania R. R. Co.....	20.67	234,297
22. New York, Philadelphia & Norfolk R. R. Co.....	188.77	2,710,200
23. Northern Central Ry. Co.....	73.39	9,843,673
24. Norfolk & Western Ry. Co.....	263.18	30,115,483
27. Philadelphia, Baltimore & Washington R. R. Co.....	74.21	9,547,342
29. Rockdale Railroad Co.....	3.25	1,464
33. Western Maryland Ry. Co.....	100.87	5,938,425

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 11.

of Passengers Carried, the Number of Passenger Miles, the Passenger Train Revenue Per Train Mileage and Traffic Revenue and Expenses, During the Year Ended June 30, 1911.

Passenger Traffic.						
Increase Over Preceding Year.	Number of Passengers Carried One Mile, Per Mile of Road.	Increase Over Preceding Year.	Average Distance Carried—Miles.	Total Passenger Revenue.	Average Amount Received From Each Passenger.	Average Receipts Per Passenger, Per Mile.
4	5	6	7	8	9	10
543,043	69,705	6,195	19.82	\$121,131	.39295	.01982
32,436,127	179,506	7,341	36.23	15,208,432	.69226	.01911
.....	43,781	.....	15.08	57,300	.33857	.02246
388,398	33,080	12,210	8.12	27,043	.21342	.02628
1,529,372	212,093	9,430	18.31	640,570	.34104	.01862
17,718	1,334	575	8.98	937	.19859	.02211
.....	9,629	.....	18.46	17,678	.41808	.02269
180,339	37,602	2,114	22.43	60,562	.43210	.01926
353,590	87,703	4,425	14.89	137,927	.29318	.01968
983,291	166,398	8,778	29.54	414,478	.65799	.02224
3,951,258	237,785	7,791	22.52	2,279,888	.45745	.02031
192,531,291	98,248	22,698	37.51	4,184,246	.81000	.02160
21,173,107	543,353	32,304	29.50	7,603,368	.57861	.01961
.....
33,227,605	100,672	61,192	23.74	963,623	.41846	.01763

Freight Traffic.						
Passenger Service Train Revenue Per Train Mile.	Number of Tons of Freight Carried Earning Revenue.	Increase Over Preceding Year.	Number of Tons Carried One Mile.	Increase Over Preceding Year.	Number of Tons Carried One Mile, Per Mile of Road.	Increase Over Preceding Year.
14	15	16	17	18	19	20
.89073	165,990	15,913	3,027,668	243,604	34,539	2,779
1.14162	60,547,887	2,249,858	11,703,539,445	321,044,082	2,639,654	72,012
.96302	1,061,777	.....	33,957,009	.....	582,653	.....
.69711	3,704,753	51,321	48,969,858	675,310	792,264	90,474
1.00985	7,861,456	264,277	415,496,385	14,267,276	2,561,788	88,016
.07253	257,843	35,937	4,597,843	960,401	144,728	32,905
1.10212	247,916	.....	7,254,297	.....	89,670	.....
.59556	69,720	1,173	1,304,777	23,261	15,604	260
.81826	308,817	8,082	6,383,524	737,907	78,642	7,983
1.78515	3,202,089	64,991	348,305,383	2,218,680	3,109,869	9,809
1.23660	22,488,340	581,585	1,650,420,141	5,751,881	3,496,653	406,593
1.22600	25,828,267	24,446,390	6,797,365,271	6,773,789,839	3,446,748	1,992,372
1.57669	15,059,059	224,143	1,120,138,908	61,644,331	15,659,943	14,183,990
.....	5,811	.....	18,886	.....	5,811	.....
1.03633	9,463,460	4,601,066	949,828,091	420,883,932	1,749,223	972,364,885

Freight Traffic—Continued.					Total Traffic.	
Average Amount Received for Each Ton of Freight.	Average Receipts Per Ton, Per Mile.	Increase Over Preceding Year.	Freight Revenue Per Mile of Road.	Freight Revenue Per Train-Mile.	Revenue.	
23	24	25	26	27	Operating Revenues.	Operating Revenues Per Mile of Road.
.75350	.04131	.00215	\$1,426.81	2.13981	\$267,741	\$3,054.82
1.11697	.00578	.00001	15,253.47	2.54758	88,145,003	19,880.51
.27693	.00866	.....	5,045.26	3.71630	365,867	6,277.00
.24112	.01824	.00098	14,452.25	3.82785	945,336	15,294.23
.28626	.00542	.00017	13,875.19	3.31319	3,027,799	18,668.22
.22844	.01281	.00197	1,854.02	1.37173	67,263	2,117.19
.24756	.00846	.....	758.63	3.07896	82,960	1,025.47
.82804	.04425	.00174	690.40	1.08889	130,632	1,562.21
.75869	.03670	.00201	2,932.39	4.62709	438,146	5,483.69
.84639	.00778	.00019	24,198.22	5.41215	3,372,483	30,111.46
.43772	.00596	.00006	20,855.24	3.15447	12,868,160	27,263.05
1.16599	.00443	.00004	15,270.69	2.84708	35,557,522	18,030.19
.63248	.00852	.00017	13,381.19	2.79910	19,078,477	26,739.66
.25194	.07752	.....	450.48	.....	1,464	450.48
.62751	.00625	.00033	10,936.33	2.84675	7,200,933	13,261.39

TABLE No. 11

Title of Corporation.	Revenue—Continued.	
	Increase Over Preceding Year.	Operating Revenues Per Train-Mile.
	30	31
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	\$105	1.23067
3. Baltimore & Ohio R. R. Co.....	168	2.07460
5. Bedford & Bridgeport Ry. Co.....	.....	2.41848
9. Cumberland & Penna. R. R. Co.....	486	3.16453
10. Cumberland Valley R. R. Co.....	367	2.13042
15. George's Creek & Cumberland R. R. Co.....	164	1.41711
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....	.....	2.12636
18. Maryland, Delaware & Virginia Ry. Co.....	57	.90806
19. Maryland & Pennsylvania R. R. Co.....	361	1.48977
22. New York, Philadelphia & Norfolk R. R. Co.....	43	4.15834
23. Northern Central Ry. Co.....	210	2.37688
24. Norfolk & Western Ry. Co.....	6,276	2.43918
27. Philadelphia, Baltimore & Washington R. R. Co.....	13,548	2.06375
29. Rockdale Railroad Co.....	.....	.....
33. Western Maryland Ry. Co.....	6,530	2.25446

Title of Corporation.	Passenger.	
	Average Number of Passengers Per Car-Mile.	Average Number of Passengers Per Train-Mile.
	39	40
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	14	38
3. Baltimore & Ohio R. R. Co.....	14	49
5. Bedford & Bridgeport Ry. Co.....	12	35
9. Cumberland & Penna. R. R. Co.....	10	22
10. Cumberland Valley R. R. Co.....	18	46
15. George's Creek & Cumberland R. R. Co.....	2	2
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....	12	41
18. Maryland, Delaware & Virginia Ry. Co.....	13	26
19. Maryland & Pennsylvania R. R. Co.....	15	29
22. New York, Philadelphia & Norfolk R. R. Co.....	15	60
23. Northern Central Ry. Co.....	14	40
24. Norfolk & Western Ry. Co.....	14	47
27. Philadelphia, Baltimore & Washington R. R. Co.....	16	66
29. Rockdale Railroad Co.....	.....	.....
33. Western Maryland Ry. Co.....	17	47

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

—Continued.

Total Traffic—Continued.						
Expenses.						
Operating Expenses.	Operating Expenses Per Mile of Road.	Increase Over Preceding Year.	Operating Expenses Per Train-Mile.	Net Operating Revenues.	Net Operating Revenue Per Mile of Road.	Increase Over Preceding Year.
32	33	34	35	36	37	38
\$193,329	\$2,205.44	\$146	.88863	\$76,675	\$874.69	\$16
62,766,067	14,156.46	325	1.47727	25,378,936	5,724.05	493
260,184	4,464.38	.....	1.71633	105,683	1,813.37	.....
690,311	11,168.28	426	2.31088	255,024	4,125.95	913
1,991,809	12,277.63	1,251	1.40112	1,036,489	6,390.59	884
101,376	3,190.95	186	2.13581	34,118	1,073.76	28
64,340	795.31	.....	1.64950	18,619	230.16	.....
124,754	1,491.92	5	.86720	5,878	70.29	52
286,569	3,586.60	5	.97438	151,577	1,897.09	356
2,487,452	22,209.40	2,157	3.06708	885,031	7,902.06	2,114
11,033,677	23,376.44	2,159	2.03803	1,834,482	3,886.62	1,942
22,958,280	11,641.48	4,786	1.57490	12,509,242	6,388.71	1,489
14,640,826	20,520.02	1,462	1.58372	4,437,651	6,219.64	46
1,462	450.08	.....	.....	1	.40	.....
4,440,227	8,177.22	4,446	1.39013	2,760,705	5,084.17	2,104

Mileage Statistics.

Freight.						
Average Number of Passenger Cars Per Train-Mile.	Average Number of Tons of Freight Per Loaded Car-Mile.	Average Number of Tons of Freight Per Train-Mile.	Average Number of Freight Cars Per Train-Mile.	Average Number of Loaded Cars Per Train-Mile.	Average Number of Empty Cars Per Train-Mile.	Average Mileage Operated During the Year. Single Track.
41	42	43	44	45	46	47
3.79	7.15	51.71	10.48	7.25	2.33	37.66
5.14	22.43	440.87	30.30	19.66	9.65	4438.74
3.87	29.49	429.18	24.49	14.55	8.98	58.28
2.99	32.48	209.84	13.06	6.46	5.66	61.81
3.69	28.05	611.72	36.01	21.81	13.21	162.19
1.00	33.00	107.08	6.17	3.25	2.92	31.77
4.17	26.14	363.93	22.57	18.92	7.71	80.90
2.87	5.58	24.61	6.00	4.41	1.34	83.62
2.92	14.84	126.07	12.06	8.50	2.53	79.90
5.85	23.42	695.55	45.05	29.70	14.34	112.00
5.00	23.55	528.89	32.99	22.46	9.50	472.00
5.32	28.98	642.62	37.42	22.17	14.27	1972.11
5.50	18.04	328.40	27.46	18.21	8.27	713.49
.....	.....	.....	.....	.....	.....	3.25
3.78	29.11	455.33	27.05	15.64	10.44	543.00

TABLE

Showing for Each of the Operating Steam Railroad Corporations Named Therein the Total
Classification of

Title of Corporation.			
	Grain.	Flour	Other Mill Products.
	1	2	3
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	3,592	3,505	3,045
3. Baltimore & Ohio R. R. Co.....	1,480,844	440,391	508,576
5. Bedford & Bridgeport Ry. Co.....	14,000	4,040	6,756
9. Cumberland & Penna. R. R. Co.....	3,183	2,725	1,188
10. Cumberland Valley R. R. Co.....	72,940	18,101	42,084
15. George's Creek & Cumberland R. R. Co.....	40		
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....	2,102	800	5,122
18. Maryland, Delaware & Virginia Ry. Co.....	4,365	515	188
19. Maryland & Pennsylvania R. R. Co.....	11,023	2,611	8,472
22. New York, Philadelphia & Norfolk R. R. Co.....	5,072	23,216	8,094
23. Northern Central Ry. Co.....	705,493	84,281	195,709
24. Norfolk & Western Ry. Co.....	338,150	170,378	103,433
27. Philadelphia, Baltimore & Washington R. R. Co.....	248,253	105,980	68,736
29. Rockdale R. R. Co.....	224	91	149
33. Western Maryland Ry. Co.....	72,162	39,217	43,921

Title of Corporation.	Products of Animals		
	Other Pack- ing House Products.	Poultry, Game and Fish.	Wool.
	11	12	13
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	566	1,530	95
3. Baltimore & Ohio R. R. Co.....	102,204	21,206	12,047
5. Bedford & Bridgeport Ry. Co.....	100		
9. Cumberland & Penna. R. R. Co.....	161	8	
10. Cumberland Valley R. R. Co.....	1,499	1,518	2,439
15. George's Creek & Cumberland R. R. Co.....			
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....		10	
18. Maryland, Delaware & Virginia Ry. Co.....	259	1,477	28
19. Maryland & Pennsylvania R. R. Co.....		798	6
22. New York, Philadelphia & Norfolk R. R. Co.....	2,020	12,520	12
23. Northern Central Ry. Co.....	38,766	15,378	2,768
24. Norfolk & Western Ry. Co.....	48,783	16,411	7,116
27. Philadelphia, Baltimore & Washington R. R. Co.....	26,719	49,803	2,851
29. Rockdale R. R. Co.....			
33. Western Maryland Ry. Co.....	10,918	2,193	2,368

No. 12.

Amount of Various Commodities Carried During the Year Ended June 30, 1911, and the Classi-
the Same.

Products of Agriculture (Tons).					Products of Animals (Tons).	
Hay.	Tobacco.	Cotton.	Fruit and Vegetables.	Other Products of Agriculture.	Live Stock.	Dressed Meats.
4	5	6	7	8	9	10
2,011	.....	.....	12,799	15,333	662	.....
305,707	57,945	34,021	424,431	96,535	471,575	152,016
5,090	.....	.....	2,550	3,200	6,700	.....
2,579	32	18	777	27	42	126
13,910	1,800	12,295	74,866	.....	.....	29,600
22	.....	.....	.....	3,178	41,167	.....
1,614	.....	.....	516	628	1,230	.....
489	.....	.....	1,251	10,024	408	.....
3,446	9,349	.....	16,161	.....	1,903	319
9,790	3,812	24,953	321,142	14,435	2,622	573
108,810	34,104	39,037	890,195	80,559	101,319	30,493
143,180	118,946	26,876	193,870	76,307	72,159	15,900
74,392	19,543	45,145	1,056,541	63,754	120,580	26,862
13	.....	.....	3	.....	.....	.....
13,905	10,564	11,637	33,834	.....	12,853	1,597

(Tons)—Continued.		Products of Mines (Tons).				
Hides and Leather.	Other Products of Animals.	Anthracite Coal.	Bituminous Coal.	Coke.	Ores.	Stone, Sand, etc.
14	15	16	17	18	19	20
32	5,682	4,277	1,289	.....	.....	17,282
72,872	43,435	1,040,757	27,297,482	3,947,430	2,712,960	4,332,023
1,570	7,550	466	456,571	11,784	.....	54,570
121	.....	.....	3,518,207	225	.....	24,787
15,971	7,462	125,579	5,004,153	387,756	23,394	276,140
.....	.....	.....	226,719	.....	.....	27,402
302	1,608	242	74,112	2,135	.....	9,356
16	1	4,251	1,190	.....	.....	3,252
183	25,973	49,254	44,064	505	.....	19,827
1,390	24,058	61,513	6,732	22	2,428	38,632
70,525	52,119	6,472,743	5,394,742	606,251	644,946	488,920
34,845	7,169	14,127	15,467,781	1,970,152	879,480	916,919
38,734	65,325	2,157,167	1,635,221	66,943	57,764	1,039,752
.....	.....	.....	105	.....	.....	.....
34,491	42,917	336,469	5,556,745	301,799	12,143	318,394

TABLE No. 12

Title of Corporation.	Products of Mines (Tons) —Continued.	Products of Forests (Tons)	
	Other Products of Mines.	Lumber.	Other Products of Forests.
	21	22	23
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	1,293	10,678	26,302
3. Baltimore & Ohio R. R. Co.....	205,688	2,434,717	330,433
5. Bedford & Bridgeport Ry. Co.....	14,670	214,060	21,950
9. Cumberland & Penna. R. R. Co.....	32	13,798	39,990
10. Cumberland Valley R. R. Co.....	6,956	383,614	3,002
15. George's Creek & Cumberland R. R. Co.....	.....	143	816
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....	.....	26,370	5,624
18. Maryland, Delaware & Virginia Ry. Co.....	154	9,517	8,779
19. Maryland & Pennsylvania R. R. Co.....	11,865	22,795	9,324
22. New York, Philadelphia & Norfolk R. R. Co.....	9,045	1,694,235	177,192
23. Northern Central Ry. Co.....	236,756	1,283,058	199,143
24. Norfolk & Western Ry. Co.....	101,682	1,551,839	264,076
27. Philadelphia, Baltimore & Washington R. R. Co.....	157,050	2,623,903	267,152
29. Rockdale R. R. Co.....	.....	.....	206
33. Western Maryland Ry. Co.....	.....	1,075,589	252,345

Title of Corporation.	Products of Manufactures		
	Cement, Brick and Lime.	Agricultural Implements.	Wagons, Carriages and Tools
	31	32	33
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	9,053	280	259
3. Baltimore & Ohio R. R. Co.....	2,614,262	47,632	41,145
5. Bedford & Bridgeport Ry. Co.....	11,350	150	30
9. Cumberland & Penna. R. R. Co.....	58,798	13	35
10. Cumberland Valley R. R. Co.....	126,580	6,482	3,386
15. George's Creek & Cumberland R. R. Co.....	410	.....	.....
16. Hollidaysburg, Bedford & Cumberland R. R. Co.....	6,132	30	116
18. Maryland, Delaware & Virginia Ry. Co.....	5,962	149	226
19. Maryland & Pennsylvania R. R. Co.....	18,457	517	2,270
22. New York, Philadelphia & Norfolk R. R. Co.....	43,845	1,748	3,236
23. Northern Central Ry. Co.....	609,128	33,189	38,064
24. Norfolk & Western Ry. Co.....	542,193	68,141	24,060
27. Philadelphia, Baltimore & Washington R. R. Co.....	606,756	10,460	136,918
29. Rockdale R. R. Co.....	45	.....	.....
33. Western Maryland Ry. Co.....	362,528	68,752	10,217

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

—Continued.

Products of Manufactures (Tons).						
Petroleum and Other Oils.	Sugar.	Naval Stores.	Iron, Pig and Bloom.	Iron and Steel Rails.	Other Cast- ings and Machinery.	Bar and Sheet Metal.
24	25	26	27	28	29	30
505	2,601	.....	.....	.....	495	939
609,297	203,466	31,950	866,261	220,833	1,590,004	1,752,769
2,280	720	.....	94,080	2,480	9,640	570
1,037	418	690	3,266	2,113	5,092	431
20,904	8,747	62	69,592	37,370	125,883	382,521
.....	.....	.....	.....	71	38	.....
416	120	.....	10,036	2,124	1,438	2,500
458	431	.....	.....	.....	311	269
8,369	1,203	.....	971	29	4,386	3,217
61,719	47,001	1,698	126,972	5,628	34,767	22,848
283,693	113,053	17,327	219,656	155,957	393,446	452,144
49,969	104,758	1,519	581,442	78,441	163,726	109,793
492,116	92,426	24,074	252,595	101,698	464,343	366,403
.....	.....	.....	.....	.....	97	.....
21,306	11,718	.....	46,204	60,863	78,392	61,870

(Tons) —Continued.			Miscellaneous.		Totals.	
Wines, Liquors and Beers.	Household Goods and Furniture.	Other Manufac- tures.	Merchandise.	Other Commodities.	Total Tonnage.	Increase Over Preceding Year.
34	35	36	37	38	39	40
155	426	31,810	.....	9,494	165,990	15,913
163,247	54,308	1,455,615	2,142,284	2,187,929	60,547,887	2,249,858
590	230	59,486	26,150	28,420	1,061,777	.....
3,861	809	1,280	12,829	5,561	3,704,753	51,321
5,249	14,569	230,533	121,477	158,516	7,861,456	264,277
286	21	.....	1,875	.....	257,843	35,937
48	250	14,327	70,132	8,476	247,916	.....
43	277	12,869	.....	2,291	69,720	1,173
512	2,934	3,089	18,349	7,616	308,817	8,082
1,151	4,569	239,925	16,248	147,244	3,202,089	64,991
32,746	34,527	1,434,474	176,798	460,034	22,488,340	581,585
44,008	79,465	912,997	214,042	314,112	25,828,267	415,738
19,265	32,690	1,396,196	407,833	673,616	15,095,059	260,143
.....	.....	199	.....	4,680	5,811	.....
19,673	13,357	.....	.....	520,584	9,463,460	4,601,066

TABLE

Showing for Each of the Operating Steam Railroad Corporations Named Therein the
Classification of Such Persons with Regard

*State of Maryland only.

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 13.

Number of Persons Killed or Injured During the Year Ended June 30, 1911, and the to Passengers, Employees and All Others.

Railway Employees.						
CouplingTend. Watchmen.	Stationmen.		Shopmen.		Telegraph Employees.	
Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
4	5	6	7	8	9	10
10		192	8	787	1	3
				5		
				1		
				5		
	1					
5		91		90		
		1		16		2
1		5		84		
gers.	Postal Clerks, Express Mes- sengers, Pullman Em- ployees, etc.		Other Persons.		Total Railway Employees.	
Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Increase Over Preceding Year.
14	15	16	17	18	19	20
2						
22		5	47	46	22	2
1			3	1		
1			1		1	1
					1	1
				4	1	1
17			8	23	3	1
14			20	15	3	2
1				2	1	1
30		2	9	12	3	4

TABLE No. 13

Title of Corporation.	Total Railway Employees —Continued.		Killed. 23
	Injured.	Increase Over Preceding Year.	
	21	22	
2. Baltimore, Chesapeake & Atlantic Ry. Co.....	1	.....	.....
3. Baltimore & Ohio R. R. Co.....	1,761	168	49
5. Bedford & Bridgeport Ry. Co.....	1	.....	.....
9. Cumberland & Penna. R. R. Co.....	25	9	3
10. Cumberland Valley R. R. Co.....	6	2	1
15. George's Creek & Cumberland R. R. Co.....	6	1	.....
18. Maryland, Delaware & Virginia Ry. Co.....	2	1	.....
19. Maryland & Pennsylvania R. R. Co.....	4	1	.....
22. New York, Philadelphia & Norfolk R. R. Co.....	7	8	.....
23. Northern Central Ry. Co.....	366	5	10
24. *Norfolk & Western Ry. Co.....	2	1	.....
27. Philadelphia, Baltimore & Washington R. R. Co.....	126	45	20
30. Union Railroad Co.....	11	9	.....
33. Western Maryland Ry. Co.....	251	39	9

*State of Maryland only.
NOTE—Deficit, loss and other reverse items in this table are printed in black type.

—Continued.

Total Passengers and Others.			Total All Persons.			
Increase Over Preceding Year. 24	Injured. 25	Increase Over Preceding Year. 26	Killed. 27	Increase Over Preceding Year. 28	Injured. 29	Increase Over Preceding Year. 30
.....	2	1	.....	.....	3	1
8	73	2	71	10	1,834	170
.....	1	.....	8	.....	2	.....
3	2	.....	2	8	27	9
1	.....	.....	.....	2	6	2
.....	.....	.....	.....	.....	6	1
.....	.....	.....	1	1	2	1
2	.....	1	.....	2	4	.....
2	1	.....	1	1	12	4
3	52	6	13	2	418	1
.....	.....	1	.....	.....	2	.....
19	29	18	24	18	155	68
5	3	4	1	4	14	13
8	44	5	12	4	295	34

TABLE

Showing for Each of the Electric Railroad Corporations Named Therein the Total Amount of
of Such Assets

Title of Corporation.	Totals.			
	Assets.		Liabilities.	
	Total Amount June 30, 1911. 1	Increase Over June 30, 1910. 2	Total Amount June 30, 1911. 3	Increase Over June 30, 1910. 4
1. Baltimore & Bel Air Electric Ry. Co...	\$63,836	\$678	\$54,398	\$2,492
2. Balto., Halethorpe & Elkridge Ry. Co...	115,016	803	118,739	629
3. Balto., Sparrows Pt. & Chesapeake Ry. Co...	2,863,970	50,500	2,863,970	50,500
5. City & Suburban Ry. Co. of Washington...	3,870,406	112,207	3,905,284	91,384
6. Capital Traction Co.....	17,343,500	681,499	17,096,262	578,528
7. Cumberland Electric Ry. Co.....	201,730	21,966	203,261	10,724
8. Cumb'd & West'p't Elec. Ry. Co.....	1,460,964	27,229	1,298,700	1,178
9. *Frederick R. R. Co.....	1,558,199	.....	1,562,560	.....
11. Hagerstown R. Co.....	1,142,756	13,171	1,130,803	4,517
12. Lorraine Electric Ry. Co.....	45,329	48	55,057	4,703
13. Maryland Electric Rys. Co.....	6,591,075	176,497	6,896,204	18,312
14. Towson & Cockeysville Elec. Ry. Co...	50,900	.....	50,900	.....
15. United Railways & Electric Co.....	73,058,961	61,165	72,285,471	182,324
16. Wash., Balto. & Annapolis Elec. Ry. Co...	9,433,090	.....	9,402,167	.....
17. Wash. & Glen Echo R. R. Co.....	880,533	3,087	647,643	10,161
18. Washington Railway & Electric Co....	29,712,612	73,066	28,767,888	94,690
19. Washington & Rockville Ry. Co.....	390,660	42,127	456,622	72,091
20. Wash., Spa Spring & Greta Ry. Co...	769,010	.....	740,585	.....
21. Wash., Woodside & Forest Glen Ry. & P. Co.	95,774	3,130	107,735	3,029

Title of Corporation.	Details of Assets—Continued.			
	Bills and Ac- counts Re- ceivable. 12	Materials and Supplies. 13	Sundries. 14	Capital Stock. 15
1. Baltimore & Bel Air Electric Ry. Co...	\$686	\$298	.....	\$46,200
2. Balto., Halethorpe & Elkridge Ry. Co...	434	.....	.....	10,000
3. Balto., Sparrows Pt. & Chesapeake Ry. Co...	.....	.....	.....	400,000
5. City & Suburban Ry. Co. of Washington...	7,388	.....	\$3,653	1,750,000
6. Capital Traction Co.....	3,725	43,838	.....	12,000,000
7. Cumberland Electric Ry. Co.....	.....	2,150	.....	100,000
8. Cumb'd & West'p't Elec. Ry. Co.....	968	3,313	1,369	625,000
9. *Frederick R. R. Co.....	2,856	1,271	870	820,000
11. Hagerstown Ry. Co.....	5,394	8,063	2,140	380,000
12. Lorraine Electric Ry. Co.....	50	1,595	122	5,000
13. Maryland Electric Rys. Co.....	77,568	3,479	†792,318	1,133,400
14. Towson & Cockeysville Elec. Ry. Co...	.....	.....	26,033	.....
15. United Railways & Electric Co.....	468,145	304,749	††4,175,088	15,052,000
16. Wash., Balto. & Annapolis Elec. Ry. Co...	81,645	9,185	4,770	4,460,000
17. Wash. & Glen Echo R. R. Co.....	10,376	.....	.....	200,000
18. Washington Railway & Electric Co....	365,773	91,691	10,455	14,912,250
19. Washington & Rockville Ry. Co.....	637	.....	2,048	500,000
20. Wash., Spa Spring & Greta Ry. Co...	3,353	.....	23,450	500,000
21. Wash., Woodside & Forest Glen Ry. & P. Co.	27	.....	150	25,000

*Increase omitted, as 1910 report was for 6 months only.

**Includes \$851,751 of its own 4 per cent. bonds, valued at \$767,799.

†Includes unextinguished discount on funded debt, \$488,891.

‡Includes \$3,920,000 past due income bond coupons exchanged for \$3,920,000
5 per cent. funding bonds.

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 14.

Assets, the Total Amount of Liabilities and the Surplus on June 30, 1911, and the Classification and Liabilities.

Surplus.		Details of Assets.				
Total Amount June 30, 1911. 5	Increase Over June 30, 1910. 6	Cost of Road and Equipment. 7	Stocks of Other Corporations. 8	Bonds of Other Corporations. 9	Sinking or Other Funds. 10	Cash on Hand. 11
\$9,437	\$3,171	\$59,280	\$3,325	.....	.....	\$245
3,722	174	113,274	.....	.....	.....	1,307
.....	.....	2,863,970	.....	.....	.....	.....
34,878	20,822	3,801,770	.....	.....	\$9,420	48,174
247,327	102,970	16,851,425	.....	.....	151,362	293,238
1,531	10,927	166,850	.....	.....	.....	32,720
162,264	26,051	1,404,499	.....	.....	.....	50,814
4,360	.....	1,507,211	40,605	.....	.....	5,884
11,951	7,929	924,848	202,208	.....	100	.....
9,728	4,655	43,559	.....	.....	.....	2
305,128	194,809	5,175,272	10	.....	307,593	168,234
.....	.....	22,524	.....	.....	.....	2,343
773,490	121,158	67,462,849	57,402	65,175	156,266	371,284
30,923	.....	9,229,378	1,000	.....	604	106,506
267,109	16,683	370,128	.....	.....	.....	28
944,723	21,624	28,263,860	.....	**772,939	.....	207,882
65,962	28,965	379,760	.....	.....	.....	8,218
1,575	.....	712,013	.....	.....	.....	193
14,890	100	88,444	.....	.....	.....	7,151

Details of Liabilities.

Funded Debt. 16	Interest on Funded Debt and Current Liabilities. 17	Rentals and Taxes Accrued. 18	Dividends Unpaid. 19	Vouchers, Accounts and Bills Payable. 20	Sinking Funds and Other Reserves. 21	Sundries. 22
.....	.....	\$248	.....	\$7,000	.....	\$950
\$108,700	.....	39	.....	.....	.....	.....
2,463,970	.....	.....	.....	.....	.....	.....
1,750,000	\$53,058	.....	.....	310,414	\$41,812	.....
4,000,000	34,604	8,628	\$182,275	640,000	151,725	79,030
100,000	1,250	.....	.....	2,011	.....	.....
662,800	6,227	2,144	.....	1,778	750	.....
471,300	4,239	.....	.....	267,021	.....	.....
630,000	8,453	.....	.....	78,645	1,000	32,701
.....	2,908	124	.....	47,025	.....	.....
5,040,000	78,294	3,891	.....	250,625	307,593	15,799
.....	.....	.....	.....	5,000	.....	45,900
56,084,000	548,266	222,820	.....	119,757	234,647	13,929
4,783,000	59,787	3,747	.....	90,785	4,845	.....
250,000	175,581	.....	.....	22,061	.....	.....
13,093,518	83,597	.....	.....	70,943	586,892	20,685
450,000	53,557	.....	.....	302,698	5,367	.....
170,000	.....	.....	.....	70,585	.....	.....
40,000	9,465	.....	.....	35,483	865	.....

TABLE No. 15.

Showing for Each of the Electric Railroad Corporations Named Therein the Cost of Roads and Equipment and Distribution of Same, on June 30, 1911.

Title of Corporation.	Totals.		Distribution.			Average Cost Per Mile.	
	Cost of Road, Equipment and General Expenditures, June 30, 1911.	Increase Over June 30, 1910.	Cost of Road.	Cost of Equipment.	General Expenditures.	Average Cost of Road, Equipment and General Expenditures, Per Mile of Road Owned.	Increase Over June 30, 1910.
	1	2	3	4	5	6	7
1. Ly. Co....	\$59,280	\$1,200	\$49,733	.....	\$9,545	\$18,410	\$373
2. Ry. Co....	113,274	.....	109,932	\$26	3,316	38,217	.....
3. Ry. Co....	2,863,070	500	.....	.....	.....	86,387	16
4. hington..	14,983	.....	14,983	3,678,686	.....	7,482	.....
5.	8,801,770	99,341	123,134	.....	.....	91,801	2,334
6.	16,851,426	730,716	.....	.....	.....	304,635	13,227
7.	166,850	21,966	127,006	38,332	1,512	23,173	.....
8. Ry. Co....	1,404,499	.....	1,395,443	8,978	78	56,180	285
9.	1,507,212	245,535	.....	.....	.....	45,262	7,373
11. Lorraine Electric Ry. Co.	50,753	7,865	32,601	18,152	.....	1,114	194
12. Maryland Electric Rys. Co.	47,522	1,410	43,359	.....	4,163	42,242	1,253
13. United Railways & Electric Co.	5,175,272	249,657	5,175,272	.....	.....	219,244	10,532
15. Wash., Balto. & Annap. Elec. Ry. Co.	66,792,850	388	.....	.....	.....	187,215	20,550
16. Wash. & Glen Echo R. R. Co.	9,229,379	2,531	8,600,384	538,994	.....	167,960	76,886
17. Washington & Annap. Elec. Ry. Co.	370,129	3,035	.....	.....	.....	49,089	801
18. Washington Railway & Electric Co.	28,263,870	212,793	.....	.....	.....	490,267	23,061
19. Washington & Rockville Ry. Co.	379,761	42,513	.....	.....	.....	33,023	5,697
20. Wash., Spa Spring & Greta Ry. Co.	212,018	.....	192,666	7,724	11,623	55,064	.....
21. Wash., Woodside & F. Glen Ry. & P Co.	88,445	55	.....	.....	.....	30,393	18

Note—Deficit, loss and other reverse items in this table are printed in black type.

Showing for Each of the Electric Railroad Corporations Named Therein, the Amount of All Issuing Corporation) and a Classification of These

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 16.

Classes of Securities Outstanding on June 30, 1911 (Exclusive of Any Such Held by the Securities Between Funded Debt and Stocks.

All Classes.					Details of Funded Debt.	
Increase Over June 30, 1910.	Funded Debt June 30, 1911.	Increase Over June 30, 1910.	Stocks June 30, 1911.	Increase Over June 30, 1910.	Mortgage Bonds.	Collateral Trust Bonds.
2	3	4	5	6	7	8
			\$46,200			
\$1,500	\$108,700	\$1,500	10,000			
13,970	2,463,970	13,970	400,000		\$2,000,000	
			15,000			
	1,750,000		1,750,000		1,750,000	
	4,000,000		12,000,000		4,000,000	
	100,000		100,000		100,000	
	662,800		625,000		655,000	
50,200	471,800	11,800	820,000	\$62,000	470,000	
			12,000			
	630,000		380,000		630,000	
			50,000			
5,000	5,040,000	5,000	1,164,000		5,000,000	
118,000	56,084,000	120,000	15,052,000	2,000	36,956,000	
	4,783,000		4,460,000		4,783,000	
	250,000		200,000		250,000	
20,000	13,093,518	20,000	14,912,250		13,093,350	
	45,000		50,000		45,000	
	170,000		500,000		170,000	
	40,000		25,000		40,000	

Details of Funded Debt—Continued.			Details of Stocks.			
Income Bonds.	Mis- cellaneous Obligations.	Equipment Trust Obligations.	Common Stock June 30, 1911.	Increase Over June 30, 1910.	Preferred Stock June 30, 1911.	Increase Over June 30, 1910.
10	11	12	13	14	15	16
			\$46,200			
			10,000			
			400,000			
			15,000			
			1,750,000			
			12,000,000			
			100,000			
	\$7,800		625,000			
	1,300		650,000		\$170,000	\$62,000
			12,000			
			380,000			
			50,000			
		\$40,000	1,164,000			
\$13,948,000	3,920,000	760,000	15,000,000		52,000	2,000
			3,000,000		2,500,000	
			200,000			
			8,435,650		6,476,600	
			50,000			
			500,000			
			25,000			

TABLE

Showing for Each of the Electric Railroad Corporations Named Therein the Funded Debt and Amount Accruing and Paid

Title of Corporation.	Description of Bonds 1
3. Balto., Sparrows Point & Chesapeake Ry. Co.....	1st Mortgage.
2. Balto., Halethorpe & Elkridge Ry. Co.....	Notes.....
5. City & Suburban Ry. Co. of Washington.....	Notes.....
6. Capital Traction Co.....	1st Mortgage.
7. Cumberland Electric Ry. Co.....	1st Mortgage.
8. Cumberland & Westernport Electric Ry. Co.....	1st Mortgage.
Frostburg, Eckhart & Cumberland Ry. Co.....	1st Mortgage.
Lonaconing, Midland & Frostburg Ry. Co.....	1st Mortgage.
Westernport & Lonaconing Ry. Co.....	1st Mortgage.
Morrison Land Co.....	1st Mortgage.
9. Frederick R. R. Co.....	Real Estate..
Frederick & Middletown R. R. Co.....	1st Mortgage.
Monocacy Valley R. R. Co.....	1st Mortgage.
11. Hagerstown Ry. Co.....	1st Mortgage.
Hagerstown & Boonsboro Ry. Co.....	1st Mortgage.
Hagerstown & Myersville Ry. Co.....	1st Mortgage.
Hagerstown & Northern Ry. Co.....	1st Mortgage.
13. Maryland Electric Rys. Co.....	1st Mortgage.
Baltimore & Annapolis Short Line R. R. Co.....	Equipment..
15. United Railways & Electric Co.....	1st Mortgage.
Baltimore City Passenger Ry. Co.....	1st Cons'd...
Central Ry. Co.....	Income.....
City & Suburban.....	Funding.....
Baltimore Traction Co.....	Equipment A.
North Baltimore Passenger Ry. Co.....	Equipment B.
Baltimore, Catonsville & Ellicott's Mills Ry. Co.....	Equipment C.
Lake Roland Elevated Ry. Co.....	1st Mortgage.
18. Washington Railway & Electric Co.....	Cert. of Indt.
Columbia Ry. Co.....	1st Mortgage.
Metropolitan R. R. Co.....	Consols.....
Washington, Spa Spring & Greta Ry. Co.....	Fxt. & Imp..
Washington, Woodside & Forest Glen Ry. & P. Co.....	1st Mortgage.
Washington & Glen Echo R. R. Co.....	1st Mortgage.
Washington & Rockville Ry. Co.....	1st Mortgage.
Washington, Baltimore & Annapolis Elec. Ry. Co.....	2d Mortgage.
Metropolitan R. R. Co.....	1st Mortgage.
Washington, Spa Spring & Greta Ry. Co.....	Cert. A.....
Washington, Woodside & Forest Glen Ry. & P. Co.....	Cert. B.....
Washington & Glen Echo R. R. Co.....	1st Mortgage.
Washington & Rockville Ry. Co.....	1st Mortgage.
Washington, Baltimore & Annapolis Elec. Ry. Co.....	1st Mortgage.

No. 17.

Securities Outstanding on June 30, 1911, Description of Same, Rate Per Cent. of Interest in Same During the Year.

Principal.			Interest.			
Date.	Term of Years.	Amount Outstanding June 30, 1911.	Rate Per Cent.	Dates When Payable.	Amount Accrued During Year.	Amount Paid During Year.
2	3	4	5	6	7	8
1903	50	\$2,000,000	4½	F. & A.	\$90,000	\$90,000
Various	.....	463,970	.....	.....	17,784	17,784
Various	.....	108,700	.....	.....	4,524	5,385
1898	50	1,750,000	5	F. & A.	87,500	87,500
1907	40	4,000,000	5	J. & D.	200,000	200,000
1903	20	100,000	5	A. & O.	5,000	5,000
.....
1901	25	230,000	5	J. & D.	11,500	11,500
1901	25	200,000	5	J. & D.	10,000	10,000
1903	25	225,000	5	J. & J.	11,250	11,250
1903	10	7,800	6	F. & A.	468	468
1910	50	190,000	5	M. & S.	9,500	9,500
.....	.....	1,300	5	December....	638	608
1905	30	250,000	5	J. & D.	12,500	12,500
1909	11	30,000	5	J. & J.	1,500	1,500
1896	20	200,000	6	F. Qrly....	12,000	12,000
1900	20	110,000	5	F. & A.	5,500	5,500
1904	20	120,000	5	J. & J.	6,000	6,000
1907	20	200,000	5	F. & A.	10,000	10,000
1906	25	4,000,000	5	A. & O.	200,000	200,000
1910	9	40,000	5	F. & A.	2,145	2,250
1906	40	1,000,000	5	F. & A.	50,000	50,000
1899	50	26,450,000	4	M. & S.	1,036,400	1,036,400
1899	50	13,948,000	4	J. & D.	278,940	278,940
1909	30	3,920,000	5	J. & D.	190,168	189,000
1904	10	140,000	5	A. & O.	7,437	7,875
1905	10	425,000	5	A. & O.	22,312	23,375
1906	10	195,000	5	A. & O.	11,212	11,700
1901	20	2,000,000	5	M. & N.	100,000	100,000
1897	14	500,000	4½	M. & N.	22,500	22,500
1882	30	5,000	6	J. & J.	390	390
1892	40	695,000	5	M. & N.	34,700	34,675
1897	40	600,000	5	M. & S.	30,000	30,000
1892	30	3,000,000	5	J. & D.	150,000	150,000
1899	30	1,500,000	5	M. & N.	75,000	75,000
1892	50	1,750,000	5	J. & D.	87,500	87,500
1896	20	500,000	5	J. & J.	25,000	25,000
1892	50	1,000,000	5	M. & S.	50,000	50,000
1902	49	10,243,350	4	J. & D.	375,670	375,670
1894	20	500,000	6	A. & O.	30,000	30,000
1898	16	500,000	5	A. & O.	25,000	25,000
1895	30	1,850,000	5	F. & A.	92,500	92,500
1896	10	99	6	A. & O. ....	.....	.....
1897	10	68	6	J. & D. ....	.....	.....
1909	20	170,000	5	J. & J.	4,250	.....
1897	20	40,000	6	J. & D.	2,400	480
1896	20	200,000	6	J. & D.	12,000	.....
1898	20	50,000	6	M. & N.	3,000	.....
1897	5	45,000	5	November....	2,250	.....
1911	30	4,783,000	5	M. & S.	59,787	.....

TABLE

Showing for Each of the Electric Railroad Corporations Named Therein the Gross Income from

Title of Corporation.	Gross Income.		Deductions
	Gross Income for Year Ended June 30, 1911.	Income Over Preceding Year.	Deductions for Year Ended June 30, 1911.
	1	2	3
1. Baltimore & Bel Air Electric Ry. Co.....	\$13,488	1,330	\$9,342
2. Balto., Halethorpe & Elkridge Ry. Co.....	12,465	2,610	12,291
5. City & Suburban Ry. Co. of Washington.....	516,324	14,355	471,544
6. Capital Traction Co.....	2,268,568	.....	1,441,401
7. Cumberland Electric Ry. Co.....	88,795	16,272	89,378
8. Cumberland & Westernport Electric Ry. Co.....	152,349	13,291	128,799
9. Frederick R. R. Co.....	102,726	*.....	103,959
11. Hagerstown Ry. Co.....	128,069	13,539	116,118
12. Lorraine Electric Ry. Co.....	2,351	199	7,057
13. Maryland Electric Rys. Co.....	428,603	209,090	523,967
15. United Railways & Electric Co.....	7,866,601	401,080	6,507,996
16. †Washington, Baltimore & Annapolis Elec. Ry. Co...	182,814	.....	151,891
18. Washington Railway & Electric Co.....	2,124,201	62,369	1,487,646
19. †Washington & Rockville Ry. Co.....	15,718	.....	11,653
20. Washington, Spa Spring & Greta Ry. Co.....	8,690	.....	10,266
21. Washington, Woodside & Forest Glen Ry. & P. Co....	15,621	296	15,521

Title of Corporation.	Earnings From Operating.
	11
1. Baltimore & Bel Air Electric Ry. Co.....	102,517
2. Balto., Halethorpe & Elkridge Ry. Co.....	\$13,438
5. City & Suburban Ry. Co. of Washington.....	12,465
6. Capital Traction Co.....	515,723
7. Cumberland Electric Ry. Co.....	2,254,454
8. Cumberland & Westernport Electric Ry. Co.....	88,796
9. Frederick R. R. Co.....	151,232
11. Hagerstown Ry. Co.....	128,069
12. Lorraine Electric Ry. Co.....	2,351
13. Maryland Electric Rys. Co.....	211,812
15. United Railways & Electric Co.....	7,851,290
16. †Washington, Baltimore & Annapolis Elec. Ry. Co...	182,571
18. Washington Railway & Electric Co.....	1,588,273
19. †Washington & Rockville Ry. Co.....	15,696
20. Washington, Spa Spring & Greta Ry. Co.....	8,690
21. Washington, Woodside & Forest Glen Ry. & P. Co....	15,537

Title of Corporation.	Taxes on Earnings.
	19
1. Baltimore & Bel Air Electric Ry. Co.....	.....
2. Balto., Halethorpe & Elkridge Ry. Co.....	.....
5. City & Suburban Ry. Co. of Washington.....	\$16,229
6. Capital Traction Co.....	88,482
7. Cumberland Electric Ry. Co.....	812
8. Cumberland & Westernport Electric Ry. Co.....	1,465
9. Frederick R. R. Co.....	.....
11. Hagerstown Ry. Co.....	42
12. Lorraine Electric Ry. Co.....	.....
13. Maryland Electric Rys. Co.....	5,249
15. United Railways & Electric Co.....	505,412
16. †Washington, Baltimore & Annapolis Elec. Ry. Co...	.....
18. Washington Railway & Electric Co.....	54,873
19. †Washington & Rockville Ry. Co.....	.....
20. Washington, Spa Spring & Greta Ry. Co.....	.....
21. Washington, Woodside & Forest Glen Ry. & P. Co....	.....

†Three months only.

†Three months only.

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 18.

All Sources, the Deductions from Gross Income, the Net Income and the Surplus or Deficit.

Gross Income and Deductions Therefrom.						
from Income.	Net Income from all Sources.		Payments from Net Income.		Surplus or Deficit.	
Increase Over Preceding Year.	Net Income for Year Ended June 30, 1911.	Increase Over Preceding Year.	Payments from Net Income for Year Ended June 30, 1911.	Increase Over Preceding Year.	Surplus or Deficit from Operations of Year Ended June 30, 1911.	Increase Over Preceding Year.
4	5	6	7	8	9	10
\$401	\$4,096	\$929	\$924	\$13	\$3,172	\$916
250	174	2,360			174	2,360
15,343	44,779	29,698			44,779	29,698
	827,167		720,000		107,167	
21,704	582	5,430	5,000		5,582	5,430
15,128	23,550	1,837			23,550	1,837
	1,233				1,233	
5,609	11,951	7,930			11,951	7,930
1,593	4,705	1,394			4,705	1,394
236,906	95,384	27,816			95,384	27,816
327,255	1,358,602	73,825	1,204,048	190,635	154,554	116,810
	30,923				30,923	
17,509	636,354	79,878	551,314		85,040	79,878
	4,065				4,065	
	1,576				1,576	
3,736	100	4,032			100	4,032

Division of Gross Income.				Deductions from Gross Income.		
Interest on Deposits.	Income From Securities Owned.	Rents of Leased Lines.	Miscellaneous Income.	Operating Expenses.	Taxes on Real and Personal Property.	Taxes on Capital Stock.
12	13	14	15	16	17	18
				\$8,459	\$404	
				7,479	287	
\$601				346,869	1,948	
2,343			\$11,769	1,113,757	12,890	
				82,221	309	\$1,018
1,117				92,575	346	743
			209	71,944		
				76,457		812
				2,876	124	
		\$216,000	790	207,749	6,582	
7,348	\$2,490		5,472	3,655,063	123,540	64,645
228			15	84,752	5,528	156
2,405	533,522			885,790	8,857	
22				11,651		
				10,266		
84				11,781	90	

Deductions from Gross Income—Continued.						Paym'ts from Net Income.
Miscellaneous Taxes.	Interest on Funded Debt.	Interest on Floating Debt.	Rentals of Leased Lines.	Sinking and Redemption Funds, Chargeable to Income.	Other Deductions.	Dividends Paid.
20	21	22	23	24	25	26
		\$487				\$924
	\$4,524					
\$5,936	87,500	13,062				
21,555	200,000	4,717				720,000
17	5,000					5,000
200	33,348				\$102	
780	29,284	201	\$1,750			
1,730	33,500	3,576				
		4,057				
368	252,145	10,265	17,095		20,460	
38,859	1,842,619	2,850	271,307	\$60,000	**868,248	280,000
1,666	59,787					
15,153	523,170					551,314
1						
	2,400	1,250				

*No increases, as 1910 report covered six months only.
**Includes \$864,048 extraordinary expenditures.

TABLE

Showing for Each of the Electric Railroad Corporations Named Therein the Total

Title of Corporation.	Totals.		Passengers.
	Revenue for Year Ended June 30, 1911.	Increase Over Preceding Year.	
	1	2	
1. Baltimore & Bel Air Electric Ry. Co.....	\$13,438	1,330	\$13,263
2. Balto., Halethorpe & Elkridge Ry. Co.....	12,465	2,410	11,515
5. City & Suburban Ry. Co. of Washington.....	515,724	14,305	497,473
6. Capital Traction Co.....	2,254,454	.....	2,236,165
7. Cumberland Electric Ry. Co.....	88,796	16,273	86,339
8. Cumberland & Westernport Electric Ry. Co.....	151,232	12,772	137,994
9. *Frederick R. R. Co.....	102,517	.....	58,404
11. Hagerstown Ry. Co.....	128,069	13,539	111,542
13. Maryland Electric Rys. Co.....	211,813	8,372	160,568
15. United Railways & Electric Co.....	7,851,291	394,507	7,718,865
16. Washington, Baltimore & Annapolis Elec. Ry. Co....	683,280	45,166	621,630
17. Washington & Glen Echo R. R. Co.....	491	.....	.....
18. Washington Railway & Electric Co.....	1,588,273	43,180	1,509,891
19. Washington & Rockville Ry. Co.....	60,948	5,076	56,334
20. Washington, Spa Spring & Greta Ry. Co.....	8,091	.....	8,691
21. Washington, Woodside & Forest Glen Ry. & P. Co....	15,537	281	15,488

Title of Corporation.	Station and Car Privileges.	Parcel Room and Storage.	Car Service.
	11	12	13
	11	12	13
1. Baltimore & Bel Air Electric Ry. Co.....	.....	.....	.....
2. Balto., Halethorpe & Elkridge Ry. Co.....	.....	.....	.....
5. City & Suburban Ry. Co. of Washington.....	\$1,530	.....	.....
6. Capital Traction Co.....	9,296	.....	.....
7. Cumberland Electric Ry. Co.....	.....	.....	.....
8. Cumberland & Westernport Electric Ry. Co.....	.....	.....	.....
9. *Frederick R. R. Co.....	277	3	76
11. Hagerstown Ry. Co.....	.....	87	.....
13. Maryland Electric Rys. Co.....	13	.....	636
15. United Railways & Electric Co.....	50,000	72	.....
16. Washington, Baltimore & Annapolis Elec. Ry. Co....	267	1,164	940
17. Washington & Glen Echo R. R. Co.....	.....	.....	.....
18. Washington Railway & Electric Co.....	5,220	.....	.....
19. Washington & Rockville Ry. Co.....	206	.....	.....
20. Washington, Spa Spring & Greta Ry. Co.....	.....	.....	.....
21. Washington, Woodside & Forest Glen Ry. & P. Co....	45	.....	.....

*No comparison, as report of 1910 covers six months only.

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 19.
Operating Revenue for the Year Ended June 30, 1911, and the Distribution Thereof.

Details of Revenue.						
Revenue from Transportation.						
Baggage.	Parlor, Chair and Special Cars.	Mails.	Express.	Milk.	Freight.	Miscellaneous Transportation Revenue.
4	5	6	7	8	9	10
		\$175				
		22				
	\$173	2,784				\$206
	97	193				
\$854		275	\$9,089		\$1,867	
	729	886	3,989	\$3,647	33,000	367
		682	7,154	497	7,528	28
219		2,330	7,400		39,250	
		36,105	19,273			756
351	9,052	661	6,206		38,196	1,754
						102
	744	264	74		242	7,642
	13		2,216			
	4					

Details of Revenue—Continued.

Revenue from Operations Other than Transportation.

Rents of Tracks and Terminals.	Rents of Equipment.	Rents of Buildings and Other Property.	Sale of Power.	Miscellaneous.	Revenue, per Mile of Road Operated, Year Ended June 30, 1911.	Increase Over Preceding Year.
14	15	16	17	18	19	20
					\$4,173	\$481
				\$950	4,211	887
\$6,600	\$1,616	\$645	\$7,459		12,585	1,958
			6,111		39,242	
		90		300	12,685	1,442
		316	292	2,045	6,049	620
	1,132	341		8		
		252		327	3,143	284
			21,236			
		4,090	403	3,987	19,520	
	2			212	6,668	794
5,897	491					
	31,376	5,512	221,410		28,872	1,700
	2,178				5,581	794
					2,257	
					5,339	97

TABLE

Showing for Each of the Electric Railroad Corporations Named Therein the Total

Title of Corporation.	Totals.		Maintenance of Way and Structures.
	Operating Expenses, Year Ended June 30, 1911.	Increase Over Preceding Year.	
	1	2	
1. Baltimore & Bel Air Electric Ry. Co.....	\$8,450	\$329	\$233
2. Balto., Halethorpe & Elkridge Ry. Co.....	7,479	612	456
5. City & Suburban Ry. Co. of Washington.....	346,869	19,656	48,790
6. Capital Traction Co.....	1,113,757	.....	121,654
7. Cumberland Electric Ry. Co.....	82,221	20,996	15,644
8. Cumberland & Westernport Electric Ry. Co.....	92,575	14,825	23,095
9. Frederick R. R. Co.....	71,944	.....	8,940
11. Hagerstown Ry. Co.....	76,456	5,224	13,429
13. Maryland Electric Rys. Co.....	207,749	8,394	31,417
15. United Railways & Electric Co.....	3,655,063	233,260	380,308
16. Washington, Baltimore & Annapolis Elec. R. R. Co...	350,444	15,157	50,730
17. Washington & Glen Echo R. R. Co.....	840	.....	132
18. Washington Railway & Electric Co.....	885,790	14,170	188,245
19. Washington & Rockville Ry. Co.....	49,009	6,354	9,134
20. Washington, Spa Spring & Greta Ry. Co.....	10,266	.....	1,113
21. Washington, Woodside & Forest Glen Ry. & P. Co....	11,781	3,742	2,959

Title of Corporation.	Distribution of Operating Expenses—Continued.	
	General Expenses.	Increase Over Preceding Year.
	11	12
1. Baltimore & Bel Air Electric Ry. Co.....	\$3,578	\$119
2. Balto., Halethorpe & Elkridge Ry. Co.....	303	273
5. City & Suburban Ry. Co. of Washington.....	55,923	3,439
6. Capital Traction Co.....	182,851	.....
7. Cumberland Electric Ry. Co.....	10,924	145
8. Cumberland & Westernport Electric Ry. Co.....	12,427	5,273
9. Frederick R. R. Co.....	10,706	.....
11. Hagerstown Ry. Co.....	13,914	5,187
13. Maryland Electric Rys. Co.....	23,613	1,775
15. United Railways & Electric Co.....	622,223	29,285
16. Washington, Baltimore & Annapolis Elec. R. R. Co.....	62,442	10,998
17. Washington & Glen Echo R. R. Co.....	130	.....
18. Washington Railway & Electric Co.....	110,521	1,368
19. Washington & Rockville Ry. Co.....	7,423	707
20. Washington, Spa Spring & Greta Ry. Co.....	910	.....
21. Washington, Woodside & Forest Glen Ry. & P. Co.....	2,122	30

Title of Corporation.		
	Super- intendence.	Maintenance of Power Plant Equipment.
	20	21
1. Baltimore & Bel Air Electric Ry. Co.....	.....	.....
2. Balto., Halethorpe & Elkridge Ry. Co.....	.....	.....
5. City & Suburban Ry. Co. of Washington.....	\$1,342	\$313
6. Capital Traction Co.....	6,499	5,810
7. Cumberland Electric Ry. Co.....	1,180	.....
8. Cumberland & Westernport Electric Ry. Co.....	1,500	394
9. Frederick R. R. Co.....	323	214
11. Hagerstown Ry. Co.....	.....	2,211
13. Maryland Electric Rys. Co.....	2,720	.....
15. United Railways & Electric Co.....	39,360	85,602
16. Washington, Baltimore & Annapolis Elec. R. R. Co.....	4,185	1,349
17. Washington & Glen Echo R. R. Co.....	.....	.....
18. Washington Railway & Electric Co.....	3,545	15,730
19. Washington & Rockville Ry. Co.....	139	260
20. Washington, Spa Spring & Greta Ry. Co.....	206	.....
21. Washington, Woodside & Forest Glen Ry. & P. Co.....	68	.....

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 20.

Operating Expenses for the Year Ended June 30, 1911, and the Distribution Thereof.

Distribution of Operating Expenses.						
Increase Over Preceding Year.	Maintenance of Equipment.	Increase Over Preceding Year.	Traffic Expenses.	Increase Over Preceding Year.	Conducting Transporta- tion.	Increase Over Preceding Year.
4	5	6	7	8	9	10
\$124	.....	.....	.....	.....	\$4,639	\$23
28	\$390	8	.....	.....	6,326	373
3,935	24,370	3,183	478	\$187	217,317	8,901
.....	85,295	.....	6,413	.....	717,541	.....
1,650	6,467	2,553	.....	.....	49,185	25,324
4,811	13,823	751	250	.....	42,979	3,740
.....	7,531	.....	4,786	.....	39,980	.....
2,812	6,183	2,056	.....	.....	42,929	4,905
2,402	38,988	2,894	3,991	818	109,738	6,946
60,463	546,701	104,862	25,095	9,726	2,080,734	40,808
11,115	22,788	6,105	17,528	1,556	196,953	10,489
.....	578	.....	.....	.....	.....	.....
3,394	86,424	18,507	2,449	1,546	498,159	4,877
66	5,045	39,465	88	5	27,368	5,114
.....	609	.....	21	.....	7,612	.....
2,749	710	140	7	9	6,781	14

Details of Operating Expenses.

Maintenance of Way and Structures.						
Super- intendence.	Maintenance of Way.	Maintenance of Electric Lines.	Maintenance of Buildings and Structures.	Depreciation on Way and Structures.	Other Operations. Dr.	Other Operations. Cr.
13	14	15	16	17	18	19
.....	\$179	\$5,387	.....	.....	.....	.....
.....
\$2,338	28,857	6,106	\$1,393	.....	\$10,094	.....
2,278	109,745	6,773	2,857	.....	.....	.....
1,120	6,982	767	394	\$6,946	.....	\$566
2,517	17,985	2,188	404	.....	.....	.....
1,296	6,980	558	104	.....	.....	.....
.....	11,658	1,763	7	.....	.....	.....
3,920	14,598	8,343	1,282	.....	3,273	.....
18,796	256,120	74,073	31,318	.....	.....	.....
10,275	25,310	12,643	2,501	.....	.....	.....
.....	84	48	.....	.....	.....	.....
6,237	209,320	17,440	9,698	.....	.....	54,451
292	3,287	2,017	224	.....	3,313	.....
206	886	20	.....	.....	.....	.....
119	1,894	1,029	27	.....	.....	910

Details of Operating Expenses—Continued.

Maintenance of Equipment.						Traffic.
Maintenance of Cars and Locomotives.	Maintenance of Electric Equipment of Cars.	Miscellaneous Equipment Expenses.	Depreciation of Equipment.	Other Operations. Dr.	Other Operations. Cr.	Traffic Expenses.
22	23	24	25	26	27	28
.....
.....
\$12,288	\$7,181	\$3,044	.....	.....	.....	\$478
43,613	23,750	5,622	.....	.....	.....	6,413
2,191	705	151	\$2,430	.....	\$191	.....
10,361	1,239	325	.....	.....	.....	250
5,362	1,543	88	.....	.....	.....	4,786
3,574	393	4	.....	.....	.....	.....
32,265	.....	4,002	.....	.....	.....	3,991
421,738	.....	.....	.....	.....	.....	25,095
8,519	4,270	4,464	.....	.....	.....	17,528
485	92	.....	.....	.....	.....	.....
38,834	20,423	7,889	.....	.....	.....	2,449
3,114	1,063	469	.....	.....	.....	34
183	108	111	.....	.....	.....	21
284	207	149	.....	.....	.....	7

TABLE No. 20

Title of Corporation.		
	Super-	Lower Plant
	intendence.	Employees.
	29	30
1. Baltimore & Bel Air Electric Ry. Co.....		
2. Balto., Halethorpe & Elkridge Ry. Co.....		
5. City & Suburban Ry. Co. of Washington.....	\$8,382	
6. Capital Traction Co.....	39,279	\$25,157
7. Cumberland Electric Ry. Co.....	400	
8. Cumberland & Westernport Electric Ry. Co.....	3,034	6,144
9. Frederick R. R. Co.....	213	2,882
11. Hagerstown Ry. Co.....		2,558
13. Maryland Electric Rys. Co.....	3,409	10,843
15. United Railways & Electric Co.....	69,698	131,358
16. Washington, Baltimore & Annapolis Elec. R. R. Co.....	8,499	5,722
17. Washington & Glen Echo R. R. Co.....		
18. Washington Railway & Electric Co.....	30,074	13,377
19. Washington & Rockville Ry. Co.....	1,712	
20. Washington, Spa Spring & Greta Ry. Co.....	413	
21. Washington, Woodside & Forest Glen Ry. & P. Co.....	267	
Title of Corporation.	Conducting	
	Transportat'n	
	—Continued.	
	Miscellaneous	Salaries of
	Transporta-	Officers and
	tion	Clerks, and
	Expenses.	General Office
	38	39
1. Baltimore & Bel Air Electric Ry. Co.....		\$2,000
2. Balto., Halethorpe & Elkridge Ry. Co.....		
5. City & Suburban Ry. Co. of Washington.....	\$22,427	15,703
6. Capital Traction Co.....	77,643	96,166
7. Cumberland Electric Ry. Co.....	1,844	10,093
8. Cumberland & Westernport Electric Ry. Co.....	481	6,444
9. Frederick R. R. Co.....	6,865	4,922
11. Hagerstown Ry. Co.....	6,271	6,462
13. Maryland Electric Rys. Co.....	12,786	19,132
15. United Railways & Electric Co.....	154,995	267,697
16. Washington, Baltimore & Annapolis Elec. R. R. Co.....	53,048	31,769
17. Washington & Glen Echo R. R. Co.....		\$
18. Washington Railway & Electric Co.....	57,728	43,765
19. Washington & Rockville Ry. Co.....	3,921	3,985
20. Washington, Spa Spring & Greta Ry. Co.....	684	688
21. Washington, Woodside & Forest Glen Ry. & P. Co.....	567	827

—Continued.

Details of Operating Expenses—Continued.

Conducting Transportation.

Sub-Station Employees.	Fuel for Power.	Other Power Supplies and Expenses.	Power Purchased.	Other Operations. Dr.	Other Operations. Cr.	Conductors, Motormen and Trainmen.
31	32	33	34	35	36	37
.....	.....	.....	\$1,687	.....	.....	\$2,952
\$3,501	.....	\$261	79,782	.....	.....	102,952
3,276	\$115,817	6,088	28,940	.....	.....	450,279
.....	8,759	3,538	.....	.....	.....	18,000
107	16,007	825	.....	.....	.....	21,021
1,140	15,447	2,079	145	.....	.....	13,079
.....	4,149	48,924	.....	\$8,769	.....	15,287
.....	373,846	24,352	.....	.....	.....	20,858
.....	.....	360	64,531	.....	.....	1,326,484
7,834	117,181	5,031	2,086	.....	.....	64,793
.....	.....	135	10,950	.....	.....	265,439
.....	.....	.....	2,884	.....	.....	9,386
.....	.....	.....	2,564	.....	.....	3,629
.....	.....	.....	.....	.....	.....	3,283

Details of Operating Expenses—Continued.

General Expenses.

Injuries and Damages.	Insurance.	Stationery and Printing.	Store and Stable Expenses.	Rent of Tracks and Terminals.	Rent of Equipment.	Ratio of Operating Expenses to Operating Revenues.
40	41	42	43	44	45	46
\$156	.....	.....	.....	.....	\$1,399	63.00
14,936	\$1,874	\$1,391	\$2,540	.....	19,477	60.00
70,572	3,200	3,807	3,849	\$5,255	.....	67.25
159	636	25	.....	.....	.....	49.40
3,611	1,521	850	.....	.....	.....	92.60
236	2,183	669	53	2,641	.....	61.20
5,437	780	626	.....	609	.....	70.17
3,446	1,035	.....	.....	.....	.....	59.62
242,685	74,689	18,612	18,539	.....	.....	98.80
19,034	2,331	3,126	1,420	1,897	2,863	46.55
.....	114	11	.....	.....	.....	51.29
39,565	12,296	4,520	6,706	.....	.....	171.32
1,423	399	239	260	155	962	55.77
.....	.....	222	.....	.....	.....	80.41
464	2	73	130	.....	624	118.14
.....	.....	.....	.....	.....	.....	75.82

TABLE

Showing for Each of the Electric Railroad Corporations Named Therein the Total Revenue and
and Car Hours, and the

Title of Corporation.	Passenger	
	Total Passenger Revenue, Year Ended June 30, 1911.	Average Fare Revenue Passengers
	1	2
	Dollars.	Cents.
1. Baltimore & Bel Air Electric Ry. Co.....	13,263	4.85
2. Balto., Halethorpe & Elkridge Ry. Co.....	11,515	4.85
5. City & Suburban Ry. Co. of Washington.....	497,473	4.26
6. Capital Traction Co.....	2,236,165	4.30
7. Cumberland Electric Ry. Co.....	86,340	4.30
8. Cumberland & Westernport Electric Ry. Co.....	137,993	4.65
9. Frederick R. R. Co.....	58,404	4.60
11. Hagerstown Ry. Co.....	111,542	4.60
13. Maryland Electric Rys. Co.....	160,568	25.35
15. United Railways & Electric Co.....	7,718,803	4.87
16. Washington, Baltimore & Annapolis Elec. Ry. Co.....	621,631	42.32
18. Washington Railway & Electric Co.....	1,309,891	4.33
19. Washington & Rockville Ry. Co.....	56,333	4.68
20. Washington, Spa Spring & Greta Ry. Co.....	8,691	4.19
21. Washington, Woodside & Forest Glen Ry. & P. Co.....	15,488	4.30

Title of Corporation.	Operating	
	Total Operating Revenue, Year Ended June 30, 1911.	Total Revenue Per Car—Mile.
	10	11
	Dollars.	Cents.
1. Baltimore & Bel Air Electric Ry. Co.....	13,438	14.80
2. Balto., Halethorpe & Elkridge Ry. Co.....	12,465	14.93
5. City & Suburban Ry. Co. of Washington.....	515,723	25.99
6. Capital Traction Co.....	2,254,454	28.28
7. Cumberland Electric Ry. Co.....	88,796	33.80
8. Cumberland & Westernport Electric Ry. Co.....	151,232	33.50
9. Frederick R. R. Co.....	102,517	28.00
11. Hagerstown Ry. Co.....	128,069	29.00
13. Maryland Electric Rys. Co.....	211,813	37.24
15. United Railways & Electric Co.....	7,851,291	27.40
16. Washington, Baltimore & Annapolis Elec. Ry. Co.....	683,280	41.37
18. Washington Railway & Electric Co.....	1,588,273	31.67
19. Washington & Rockville Ry. Co.....	60,948	21.88
20. Washington, Spa Spring & Greta Ry. Co.....	8,691	10.83
21. Washington, Woodside & Forest Glen Ry. & P. Co.....	15,537	18.16

Title of Corporation.	Car	
	Passenger Car Hours.	Freight, Mail and Express Car Hours.
	19	20
1. Baltimore & Bel Air Electric Ry. Co.....	7,058	.....
2. Balto., Halethorpe & Elkridge Ry. Co.....	227,653	.....
5. City & Suburban Ry. Co. of Washington.....	.....	.....
6. Capital Traction Co.....	.....	.....
7. Cumberland Electric Ry. Co.....	43,692	.....
8. Cumberland & Westernport Electric Ry. Co.....	40,492	6,254
9. Frederick R. R. Co.....	54,578	41,533
11. Hagerstown Ry. Co.....	488	43
13. Maryland Electric Rys. Co.....	.....	.....
15. United Railways & Electric Co.....	.....	.....
16. Washington, Baltimore & Annapolis Elec. Ry. Co.....	.....	.....
18. Washington Railway & Electric Co.....	608,162	280
19. Washington & Rockville Ry. Co.....	19,271	1,400
20. Washington, Spa Spring & Greta Ry. Co.....	7,946	.....
21. Washington, Woodside & Forest Glen Ry. & P. Co.....	7,374	.....

No. 21.

Expenses from Operation for the Year Ended June 30, 1911, Passengers Carried, Car Mileage Analysis of the Same.

Revenue.	Revenue from Transportation.			Revenue from Operations Other Than Transportation.		
Average Fare All Passengers, Including Transfers.	Total Revenue from Transportation, Year Ended June 30, 1911.	Revenue Per Car—Mile.	Revenue Per Car—Hour.	Total Revenue from Operations Other Than Transportation, Year Ended June 30, 1911.	Revenue Per Car—Mile.	Revenue Per Car—Hour.
3	4	5	6	7	8	9
Cents.	Dollars.	Cents.	Cents.	Dollars.	Cents.	Cents.
4.95	13,438	14.80	19.00	.....	.....	.....
4.85	12,465	14.93	.....	.....	.....	.....
3.44	497,874	25.09	218.60	17,849	.90	7.84
3.20	2,239,046	28.09	.....	15,407	.19	.....
4.30	88,406	33.70	202.30	390	.15	.90
4.05	148,580	33.10	318.00	2,653	.60	5.67
4.20	100,685	27.50	104.70	1,831	.50	1.90
4.20	127,403	22.10	239.00	667	.10	1.20
25.35	211,164	.....	.....	648	.....	.....
3.49	7,775,995	27.14	.....	75,295	.26	.....
39.13	676,200	47.00	.....	7,079	43.00	.....
2.97	1,318,857	26.30	216.76	269,417	5.37	44.28
4.68	58,563	21.02	283.31	2,385	.86	11.54
4.19	8,691	10.83	109.36	.....	.....	.....
4.30	15,492	18.11	210.09	45	.05	.61

Revenue.	Operating Expenses.			Car Mileage.		
Total Revenue Per Car—Hour.	Total Operating Expenses, Year Ended June 30, 1911.	Total Expenses Per Car—Mile.	Total Expenses Per Car—Hour.	Passenger Car Mileage, Year Ended June 30, 1911.	Freight, Mail and Express Car Mileage.	Total Car Mileage, Year Ended June 30, 1911.
12	13	14	15	16	17	18
Cents.	Dollars.	Cents.	Cents.			
19.00	8,450	9.00	120.00	90,807	.....	90,807
.....	7,479	8.08	.....	83,479	.....	83,479
226.53	346,869	17.49	152.36	1,983,614	.....	1,983,614
.....	1,113,757	13.97	.....	7,971,944	.....	7,971,944
203.20	82,221	31.30	188.20	262,152	.....	262,152
323.50	92,575	20.60	199.00	412,084	36.652	448,736
106.60	71,945	19.60	74.80	253,161	112,644	365,805
241.30	76,457	11.30	144.00	470,134	28,528	498,662
.....	207,750	36.51	.....	.....	.....	.....
.....	3,655,064	12.76	.....	28,337,204	318.158	28,655,362
.....	350,445	21.16	.....	1,582,357	69,078	1,651,435
261.04	885,791	17.67	145.58	5,010,541	3.829	5,014,370
290.85	49,009	17.59	237.10	268,355	10,235	278,590
109.36	10,267	12.80	129.21	80,226	.....	80,226
210.70	11,781	13.77	159.77	85,547	.....	85,547

Hours.	Passengers Carried.					
Total Car Hours.	Number of Fare Passengers Carried.	Increase Over Preceding Year.	Number of Transfer Passengers Carried.	Increase Over Preceding Year.	Total Number of Passengers Carried.	Increase Over Preceding Year.
21	22	23	24	25	26	27
7,058	267,590	28,373	.....	.....	267,590	28,373
.....	237,342	50,674	.....	.....	237,342	50,674
227,655	11,562,819	221,815	2,917,965	447,085	14,480,784	226,170
.....	31,358,006	.....	18,634,390	.....	69,992,396	.....
43,692	1,997,229	350,924	.....	.....	1,997,229	350,924
46,746	3,404,926	331,783	.....	.....	3,404,926	331,783
96,111	1,269,489	.....	118,442	.....	1,387,931	.....
531	2,424,694	85,674	2,424,694	85,674	2,596,490	105,262
.....	633,238	72,224	.....	.....	633,238	72,224
.....	158,097,569	7,573,864	63,049,834	4,374,383	221,147,403	11,948,267
.....	1,465,600	116,460	121,511	53,146	1,587,111	669,606
608,442	30,241,463	787,848	13,571,908	506,239	43,813,371	1,204,087
20,671	1,203,025	27,303	.....	.....	1,203,025	27,303
7,946	207,643	.....	.....	.....	207,643	.....
7,374	336,623	2,477	.....	.....	336,623	2,477

TABLE

Showing for Each of the Electric Railway Corporations Named Therein the Number of Miles of Road Classification

Title of Corporation.	Miles Operated.		
	Miles of Road Owned.	Miles of Road Leased or Controlled.	Total Miles Operated.
	1	2	3
1. Baltimore and Bel Air Electric Railway Co.....	3.22	.....	3.22
4. Blue Ridge Railway Co.....	2.00	.....	2.00
5. City and Suburban Railway Co. of Washington.....	41.54	1.06	42.60
6. Capital Traction Co.....	55.32	2.13	57.45
7. Cumberland Electric Railway Co.....	7.20	.....	7.20
8. Cumberland and Westernport Electric Railway Co.....	25.50	.....	25.50
9. Frederick Railroad Co.....	34.85	5.00	39.85
11. Hagerstown Railway Co.....	12.20	28.54	40.74
12. Maryland Electric Railways Co.....	23.60	3.00	26.60
15. United Railways and Electric Co.....	356.77	45.44	402.21
16. Washington, Baltimore and Annapolis Electric Railroad Co.....	96.84	13.94	110.78
18. Washington Railway and Electric Co.....	57.65	2.38	60.03

* Leased.

Title of Corporation.	Details of Equipment.	
	Passenger Cars.	Other Cars.
	Without Electrical Equipment	Locomotives.
	Combina- tion Closed and open. 13	14
1. Baltimore and Bel Air Electric Railway Co.....
4. Blue Ridge Railway Co.....
5. City and Suburban Railway Co. of Washington.....
6. Capital Traction Co.....
7. Cumberland Electric Railway Co.....
8. Cumberland and Westernport Electric Railway Co.....
9. Frederick Railroad Co.....	2	1
11. Hagerstown Railway Co.....
12. Maryland Electric Railways Co.....	4
15. United Railways and Electric Co.....
16. Washington, Baltimore and Annapolis Electric Railroad Co.....
18. Washington Railway and Electric Co.....

** Additional Cars hired when needed.

NO. 22.

Operated, the Total Number of Cars and the Equipment of Same, in Service June 30, 1911, and the of Such Cars.

Details of Equipment								
Passengers Cars.								
Closed Cars.	Open Cars.	Combina- tion Closed and Open.	Total Passenger Cars.	With Electrical Equipment.			Without Electrical Equipment.	
				Closed Cars.	Open Cars.	Combina- tion Closed and Open.	Closed Cars.	Open Cars.
4	5	6	7	8	9	10	11	12
*2			2	2				
36			36	35			1	
375	255		630	251	181		124	124
15	9		24	14	3		1	6
7		5	12	7		5		
13	16	4	33	6	9	2	7	7
18	8		18	10	8			
12		20	32					
407	418	636	1461	297	418	636	110	
27			27	27				
314	198		512	279	103		35	95

Details of Equipment (Continued.)								
Other Cars.							Totals.	
Freight Cars.	Mail Cars.	Express Cars.	Baggage and Com- bination.	Snow Plows and Sweepers.	Work Cars.	Miscel- laneous.	Number of Cars all Classes, June 30, 1911.	Increase over Preceding Year.
15	16	17	18	19	20	21	22	23
							2	
				13	12		**51	1
	2			9	10	40	691	
				1	1		26	4
		2		1	1	1	17	
62		1		1	1		99	24
23					3		44	4
46			1		1		80	
	12	7		48	26	20	1574	253
3			13		25	2	70	9
	1	1		13	14	5	546	11

TABLE
Showing for Each of the Electric Railroad Corporations the Casualties, Classified

Title of Corporation.	All Classes
	Killed.
	Year Ended June 30, 1911.
	1
1. Baltimore & Bel Air Electric Ry. Co.....	.....
2. Balto., Halethorpe & Elkridge Ry. Co.....	.....
5. City & Suburban Ry. Co. of Washington.....	.....
6. Capital Traction Co.....	1
7. Cumberland Electric Ry. Co.....	.....
8. Cumberland & Westernport Electric Ry. Co.....	1
13. Maryland Electric Rys. Co.....	2
15. United Railways & Electric Co.....	31
16. Washington, Baltimore & Annapolis Elec. R. R. Co.....	5
18. *Washington Railway & Electric Co.....	.....
19. Washington & Rockville Ry. Co.....	1
21. Washington, Woodside & Forest Glen Rys. & P. Co.....	.....

*State of Maryland only.

No. 23.

as to Passengers, Employees and Others, for the Year Ended June 30, 1911.

of Persons.	Classification.					
	Passengers.		Employees.		Other Persons.	
	Injured.	Injured.	Injured.	Injured.	Injured.	Injured.
Year Ended June 30, 1911.	Year Ended June 30, 1911.	Year Ended June 30, 1911.	Year Ended June 30, 1911.	Year Ended June 30, 1911.	Year Ended June 30, 1911.	Year Ended June 30, 1911.
2	3	4	5	6	7	8
.....71	.....	.....1	.....	.....5
15	10	.....	2	.....	3
3	1	4	.....	.....	.....	1
1	1	.....	1
12	11	.....	3	1	.....
7	1	.....	1,176	2	3
6,783	615	2	.....	29	4,992
3	1	.....	4	3
9	5	.....	4	.....	.....
8	4	.....	1	1	3
.....

TABLE

Showing for Each of the Electric Light Corporations Named Therein the Total Amount of Classification of Such

Title of Corporation.	Total Assets June 30, 1911. 1
1. Antietam Elec. L. & P. Co.....	\$23,571
2. Baltimore Electric Co.....	7,403,044
3. Bel Air Elec. Co.....	85,352
4. Chestertown Elec. Lt. & P. Co.....	32,518
5. †Crisfield Ice Mfg. Co.....	88,714
6. Edison Elec. Illuminating Co.....	151,350
7. †Electric & Ice Mfg. Co.....	57,708
8. Frostburg Illuminating & Mfg. Co.....	113,761
9. †Gilpin's Falls Elec. Co.....	101,617
10. Hagerstown Light & Heat Co.....	422,328
11. Havre de Grace Elec. Co.....	67,371
12. Home Elec. Light Co.....	22,775
13. Idlewild Elec. Lt., Heat & Power Co.....	51,322
14. Lonaconing Elec. Lt. & Power Co.....	13,249
15. Mt. Washington Elec. Lt. & P. Co.....	326,745
16. Midland Elec. Light Co.....	10,601
17. New Windsor Elec. Lt. & Water Co.....	11,192
18. Patapsco Elec. & Mfg. Co. of Md.....	199,141
19. Patapsco Elec. & Mfg. Co. of Del.....	296,913
20. Port Deposit Elec. Co.....	16,823
21. Roland Park Elec. & Water Co.....	338,185
22. Snow Hill Elec. Lt. & Power Co.....	12,590
23. Salisbury Light, Heat & Power Co.....	186,245
24. Susquehanna Power Co.....	2,895,001
25. Susquehanna Transmission Co.....	1,051,497

Title of Corporation.	Cash. 9
1. Antietam Elec. L. & P. Co.....	\$92
2. Baltimore Electric Co.....	4,438
3. Bel Air Elec. Co.....	26
4. Chestertown Elec. Lt. & P. Co.....	1,387
5. †Crisfield Ice Mfg. Co.....	3,874
6. Edison Elec. Illuminating Co.....	22,546
7. †Electric & Ice Mfg. Co.....	.....
8. Frostburg Illuminating & Mfg. Co.....	.....
9. †Gilpin's Falls Elec. Co.....	106
10. Hagerstown Light & Heat Co.....	9,580
11. Havre de Grace Elec. Co.....	632
12. Home Elec. Light Co.....	223
13. Idlewild Elec. Lt., Heat & Power Co.....	221
14. Lonaconing Elec. Lt. & Power Co.....	157
15. Mt. Washington Elec. Lt. & P. Co.....	15,624
16. Midland Elec. Light Co.....	1,061
17. New Windsor Elec. Lt. & Water Co.....	.....
18. Patapsco Elec. & Mfg. Co. of Md.....	148
19. Patapsco Elec. & Mfg. Co. of Del.....	561
20. Port Deposit Elec. Co.....	217
21. Roland Park Elec. & Water Co.....	.....
22. Snow Hill Elec. Lt. & Power Co.....	7
23. Salisbury Light, Heat & Power Co.....	785
24. Susquehanna Power Co.....	1
25. Susquehanna Transmission Co.....	249

†No report in 1910. †No capital stock; private ownership.
NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 24.

Assets, the Total Amount of Liabilities and the Surplus on June 30, 1911, and the Assets and Liabilities.

Totals.					Distribution of Assets.	
Increase Over Preceding Year.	Total Liabilities June 30, 1911.	Increase Over Preceding Year.	Surplus.	Increase Over Preceding Year.	Cost of Plant.	Sinking Funds.
2	3	4	5	6	7	8
\$2,689	\$22,639	\$1,998	\$931	\$691	\$22,521	.....
174,681	7,396,000	175,000	7,044	818	5,940,445	.....
19,234	78,972	18,082	6,370	1,172	82,598	.....
411	31,131	80	1,387	492	30,226	.....
.....	53,786	.....	34,928	.....	68,618	.....
19,261	141,125	.....	10,225	19,260	105,023	.....
.....	56,875	.....	832	.....	51,987	.....
2,227	111,931	12,560	1,830	543	108,490	.....
.....	350	.....	101,267	.....	100,000	.....
27,197	406,287	32,253	16,040	5,056	384,050	.....
3,880	63,683	217	3,687	3,663	51,757	.....
1,775	25,550	1,194	2,825	2,969	21,700	.....
270	48,514	1,206	2,807	1,476	47,681	.....
180	15,902	902	2,652	1,091	11,043	.....
22,826	151,646	15,366	175,099	7,459	304,904	.....
417	5,600	700	5,001	1,117	9,030	.....
219	11,323	577	130	358	11,192	.....
3,141	198,738	2,738	403	.....	196,000	.....
19,288	261,152	4,289	35,761	14,999	90,906	.....
557	12,875	2,156	3,948	1,599	14,050	.....
522	337,832	522	353	.....	313,185	.....
914	12,783	1,968	192	1,055	12,000	.....
15,495	186,245	15,495	.....	.....	110,820	.....
250,139	3,392,930	257,790	497,929	497,929	2,895,000	.....
807,337	1,051,497	807,337	.....	.....	1,051,103	.....

Distribution of Assets—Continued.					Distribution of Liabilities.	
Bills and Accounts Receivable.	Materials and Supplies.	Investments.	Special Deposits and Prepayments.	Sundries.	Common Stock.	Preferred Stock.
10	11	12	13	14	15	16
\$529	\$427	.....	.....	.....	\$11,500	.....
293,709	298,148	\$1,155,000	.....	*\$8,750	2,500,000	\$1,000,000
1,244	1,482	.....	.....	.....	23,400	16,400
.....	905	.....	.....	.....	15,000	.....
14,101	2,120	.....	.....	.....	50,000	.....
17,588	5,376	820	.....	.....	50,000	.....
4,021	1,699	.....	.....	.....	26,400	.....
1,732	3,538	.....	.....	.....	10,000	.....
1,310	200	.....	.....	.....	.....	.....
8,892	4,137	800	\$5,707	*9,150	200,000	.....
12,872	2,109	.....	.....	.....	50,000	.....
500	300	.....	.....	.....	13,825	.....
2,130	1,041	.....	246	.....	17,000	.....
2,049	.....	.....	.....	.....	15,000	.....
4,308	775	.....	1,114	.....	83,260	.....
450	60	.....	.....	.....	5,000	.....
.....	.....	.....	.....	.....	4,900	.....
2,992	.....	.....	.....	.....	198,666	.....
7,299	2,145	196,000	.....	.....	225,000	.....
675	1,881	.....	.....	.....	8,125	.....
.....	.....	.....	.....	*25,000	25,000	.....
533	50	.....	.....	.....	12,000	.....
4,867	797	8,475	.....	**60,500	100,000	.....
.....	.....	.....	.....	.....	400,000	.....
54	90	.....	.....	.....	500	.....

*Unextinguished discount on securities.

**Franchise.

TABLE No. 26

Title of Corporation.	Funded Debt.
1. Antietam Elec. L. & P. Co.....	
2. Baltimore Electric Co.....	
3. Bel Air Elec. Co.....	
4. Chestertown Elec. Lt. & P. Co.....	
5. †Crisfield Ice Mfg. Co.....	
6. Edison Elec. Illuminating Co.....	
7. †Electric & Ice Mfg. Co.....	
8. Frostburg Illuminating & Mfg. Co.....	
9. †Gilpin's Falls Elec. Co.....	
10. Hagerstown Light & Heat Co.....	166,500
11. Havre de Grace Elec. Co.....	
12. Home Elec. Light Co.....	
13. Idlewild Elec. Lt., Heat & Power Co.....	11,000
14. Lonaconing Elec. Lt. & Power Co.....	
15. Mt. Washington Elec. Lt. & P. Co.....	15,000
16. Midland Elec. Light Co.....	
17. New Windsor Elec. Lt. & Water Co.....	
18. Patapsco Elec. & Mfg. Co. of Md.....	
19. Patapsco Elec. & Mfg. Co. of Del.....	
20. Port Deposit Elec. Co.....	
21. Roland Park Elec. & Water Co.....	200,000
22. Snow Hill Elec. Lt. & Power Co.....	
23. Salisbury Light, Heat & Power Co.....	60,500
24. Susquehanna Power Co.....	2,495,000
25. Susquehanna Transmission Co.....	

†No report in 1910.

‡No capital stock; private ownership.

—Continued.

Distribution of Liabilities—Continued.

Taxes Accrued and Not Paid. 18	Interest Accrued on Funded and Other Debt. 19	Bills and Accounts Payable. 20	Consumers' Deposits. 21	Dividends Payable. 22	Sinking Fund and Optional Reserves. 23	Reserve for Accrued Depreciation. 24
		\$2,139				
		175,000				
\$155	\$270	20,669	\$77			
	375	756				
		3,786				
	1,125					
		13,475				
		28,440				\$23,490
		350				
	5,565	28,350		\$4,500	\$1,372	
259		13,404	20			
325		11,400				
146	1,078	19,290				
5		896				
967	450	9,858	119			42,000
		600				
		6,423				
		71				
		36,137	15			
		4,750				
		12,832				
		717	60			
		15,462			10,283	
1,008	881,342	114,978				
		1,050,997				

TABLE

Showing for Each of the Electric Light Corporations Named Therein the Gross Income From all Income and the Surplus From the Operations

Title of Corporation.	Totals.		
	Gross Income from All Sources.	Deductions from Gross Income.	Net Income.
	1	2	3
1. Antietam Elec. L. & P. Co.....	\$5,024	\$4,093	\$931
2. Bel Air Elec. Co.....	7,076	6,013	1,063
3. E. A. C. Buckey.....	1,650	1,094	556
4. Chestertown Elec. Lt. & P. Co.....	7,880	7,389	491
5. Crisfield Ice Mfg. Co.....	44,536	32,835	11,701
6. Edison Elec. Illuminating Co.....	90,508	60,507	30,000
7. Electric & Ice Mfg. Co.....	19,793	18,961	832
8. Frostburg Illuminating & Mfg. Co.....	19,749	18,417	1,332
9. Gilpin's Falls Elec. Co.....	11,545	2,538	9,006
10. Hagerstown Light & Heat Co.....	52,037	37,509	14,527
12. Home Elec. Light Co.....	5,198	5,198	.....
11. Havre de Grace Elec. Co.....	12,922	10,421	2,501
13. Idlewild Elec. Lt., Heat & Power Co.....	9,624	8,537	1,086
14. Lonaconing Elec. Lt. & Power Co.....	8,148	5,666	2,481
15. Mt. Washington Elec. Lt. & P. Co.....	100,441	72,084	28,359
16. Midland Elec. Light Co.....	5,755	3,888	1,867
17. New Windsor Elec. Lt. & Water Co.....	869	1,110	241
18. Patapsco Elec. & Mfg. Co. of Md.....	9,191	8,788	403
19. Patapsco Elec. & Mfg. Co. of Del.....	40,988	25,989	14,999
20. Port Deposit Elec. Co.....	4,122	2,524	1,598
22. Snow Hill Elec. Lt. & Power Co.....	5,833	4,784	1,054
23. Salisbury Light, Heat & Power Co.....	16,313	10,639	5,682

Title of Corporation.	Operating Expenses—Con.		Taxes.
	Commercial and New Business.	General.	
	11	12	13
1. Antietam Elec. L. & P. Co.....	.....	.....	\$118
2. Bel Air Elec. Co.....	\$617	\$1,189	252
3. E. A. C. Buckey.....	.....	455	.....
4. Chestertown Elec. Lt. & P. Co.....	.....	904	188
5. Crisfield Ice Mfg. Co.....	.....	4,760	894
6. Edison Elec. Illuminating Co.....	4,641	16,080	1,846
7. Electric & Ice Mfg. Co.....	190	1,366	156
8. Frostburg Illuminating & Mfg. Co.....	.....	795	565
9. Gilpin's Falls Elec. Co.....	.....	175	.....
10. Hagerstown Light & Heat Co.....	1,176	6,400	1,300
12. Home Elec. Light Co.....	.....	.....	260
11. Havre de Grace Elec. Co.....	.....	15	245
13. Idlewild Elec. Lt., Heat & Power Co.....	.....	2,360	250
14. Lonaconing Elec. Lt. & Power Co.....	.....	830	213
15. Mt. Washington Elec. Lt. & P. Co.....	2,929	18,317	2,359
16. Midland Elec. Light Co.....	.....	613	166
17. New Windsor Elec. Lt. & Water Co.....	.....	661	.....
18. Patapsco Elec. & Mfg. Co. of Md.....	.....	.....	.....
19. Patapsco Elec. & Mfg. Co. of Del.....	.....	7,972	780
20. Port Deposit Elec. Co.....	.....	49	166
22. Snow Hill Elec. Lt. & Power Co.....	.....	127	279
23. Salisbury Light, Heat & Power Co.....	.....	1,621	565

*Represents \$11,000 donated to company and \$500 adjustments of accounts.

**Adjustments of accounts and inventories prior to 1910.

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 25.

Sources, the Deductions From Gross Income, the Net Income, the Appropriations from Net of the Year Ended June 30, 1911.

		Distribution of Income.		Deduction from Income.		
				Operating Expenses.		
Appropriations from Net Income.	Surplus.	Operating Revenue.	Non-operating Revenue.	Production.	Distribution.	Utilization.
4	5	6	7	8	9	10
\$1,662	\$931	\$5,024	.....	\$2,685	\$639	.....
.....	1,063	6,193	\$883	1,680	499	\$43
.....	556	1,650	.....	274	325	49
.....	491	7,880	.....	3,727	1,558	260
.....	11,701	44,536	.....	21,711	1,524	464
10,740	19,260	90,424	84	25,123	8,541	4,774
.....	832	19,622	170	15,778	15	.....
11,990	10,658	19,749	\$11,500	14,605	.....	.....
.....	9,006	11,545	.....	1,145	1,118	100
19,583	5,056	52,037	.....	15,564	4,582	.....
2,969	2,825	5,198	.....	4,278	.....	.....
.....	2,501	12,922	.....	7,397	.....	2,763
.....	1,086	9,590	34	4,270	.....	226
.....	2,481	8,148	.....	5,117	.....	.....
20,900	7,459	100,441	.....	37,105	8,047	1,907
750	1,117	5,755	.....	2,725	388	.....
.....	241	869	.....	745	15	.....
.....	403	9,191	.....	7,996	.....	.....
.....	14,999	26,844	14,143	9,681	4,551	7
.....	1,598	4,112	10	1,424	532	.....
.....	1,054	5,830	.....	4,277	.....	.....
.....	5,682	16,313	.....	4,169	520	68

Deduction from Income—Continued.

Other Deductions.				Appropriation from Income.		
Uncollectible Bills.	Interest on Funded Debt.	Interest on Unfunded Debt.	Miscellaneous.	Depreciation of Plant.	Dividends.	Sundries.
14	15	16	17	18	19	20
.....	\$495	\$156	.....	.....	.....	\$1,662
\$56	810	864	.....	.....	.....	.....
.....	750	.....	.....	.....	.....	.....
.....	.....	158	\$3,320	.....	\$5,000	.....
.....	4,500	.....	.....	\$8,240	2,500	.....
.....	850	604	.....	.....	.....	.....
.....	2,450	.....	.....	23,490	.....	.....
.....	8,260	226	.....	.....	8,500	**11,083
.....	.....	660	.....	2,969	.....	.....
.....	660	996	.....	.....	.....	.....
.....	.....	6	.....	.....	.....	.....
221	900	194	.....	20,000	.....	900
.....	.....	36	9	.....	750	.....
.....	.....	350	130	.....	.....	.....
159	.....	853	1,984	.....	.....	.....
.....	.....	352	.....	.....	.....	.....
.....	.....	70	30	.....	.....	.....
.....	3,125	33	528	.....	.....	.....

TABLE

Showing for Each of the Electric Light Corporations Named Therein the Total Funded Debt and as are Held by the Issuing Corporation), the Rate Per Cent. and Dates of Payments of Interest

Title of Corporation.	Funded Debt.			
	Description.	Date.	Term of Years.	Amount Outstanding.
	1	2	3	4
1. Antietam Elec. L. & P. Co.....	Mtge. Note..	1911	1/2	\$9,000
2. Baltimore Electric Co.....	1st Mtge.....	1907	40	8,721
3. Bel Air Elec. Co.....	1st Mtge.....	1910	80	18,000
4. Chestertown Elec. Lt. & P. Co.....	1st Mtge.....	1901	15	15,000
5. Crisfield Ice Mfg. Co.....	1st Mtge.....	1900	20	35,000
6. Edison Elec. Illuminating Co.....	2nd Mtge....	1902	20	15,000
	3rd Mtge....	1906	20	40,000
7. Electric & Ice Mfg. Co.....	1st Mtge.....	1899	20	17,000
8. Frostburg Illuminating & Mfg. Co.....	1st Mtge.....	1900	20	50,000
10. Hagerstown Light & Heat Co.....	2nd Mtge....	1907	40	100,000
				66,500
12. Home Elec. Light Co.....				
11. Havre de Grace Elec. Co.....				
13. Idlewild Elec. Lt., Heat & Power Co.....	R. Est. Mtge.	1906	8	11,000
14. Lonaconing Elec. Lt. & Power Co.....	1st Mtge.....	1895	20	15,000
15. Mt. Washington Elec. Lt. & P. Co.....				
16. Midland Elec. Light Co.....				
17. New Windsor Elec. Lt. & Water Co.....				
18. Patapsco Elec. & Mfg. Co. of Md.....				
19. Patapsco Elec. & Mfg. Co. of Del.....				
20. Port Deposit Elec. Co.....				
21. Roland Park Elec. & Water Co.....	1st Mtge....	1907	30	300,000
22. Snow Hill Elec. Lt. & Power Co.....	1st Mtge....	1901	20	60,500
23. Salisbury Light, Heat & Power Co.....	1st Mtge....	1899	12	64,000
24. Susquehanna Power Co.....	2nd Mtge....	1905	10	88,000
	3rd Mtge....	1906	30	2,345,000
25. Susquehanna Transmission Co.....				

No. 26.

Capital Stock Outstanding on June 30, 1911, (Exclusive of Such Funded Debt and Capital Stock on Funded Debt and the Rate Per Cent. and Amount of Dividends Paid on Capital Stock.

Interest.		Common Stock.			Preferred Stock.		
Rate Per Cent.	Dates Payable.	Amount Outstanding.	Dividends Paid During Year.	Rate Per Cent.	Amount Outstanding.	Dividends Paid During Year.	Rate Per Cent.
5	6	7	8	9	10	11	12
5 1/2	A. & O.	\$11,500	.....	.....	.....	.....	.....
5	J. & D.	2,500,000	.....	.....	\$1,000,000	\$50,000	5
6	A. & O.	28,400	.....	.....	16,400	.....	.....
5	J. & J.	15,000	.....	.....	.....	.....	.....
..	.....	50,000	\$5,000	10	.....	.....	.....
5	A. & O.	50,000	2,500	5	.....	.....	.....
5	A. & O.	.....	.....	.....	.....	.....	.....
5	A. & O.	.....	.....	.....	.....	.....	.....
..	.....	26,400	.....	.....	.....	.....	.....
5	J. & J.	10,000	.....	.....	.....	.....	.....
5	M. & N.	200,000	8,500	4 1/4	.....	.....	.....
5	J. & J.	.....	.....	.....	.....	.....	.....
..	.....	13,825	.....	.....	.....	.....	.....
..	.....	50,000	.....	.....	.....	.....	.....
6	A. & O.	17,000	.....	.....	.....	.....	.....
..	.....	15,000	.....	.....	.....	.....	.....
6	J. & J.	83,260	.....	.....	.....	.....	.....
..	.....	5,000	750	15	.....	.....	.....
..	.....	4,900	.....	.....	.....	.....	.....
..	.....	198,666	.....	.....	.....	.....	.....
..	.....	225,000	.....	.....	.....	.....	.....
..	.....	8,125	.....	.....	.....	.....	.....
5	F. & A.	25,000	.....	.....	.....	.....	.....
..	.....	12,000	.....	.....	.....	.....	.....
5	J. & D.	100,000	.....	.....	.....	.....	.....
6	F. & A.	400,000	.....	.....	.....	.....	.....
6	M. & S.	.....	.....	.....	.....	.....	.....
5	M. & N.	.....	.....	.....	.....	.....	.....
..	.....	500	.....	.....	.....	.....	.....

TABLE No. 27.

Showing for each of the Electric Light Corporations named therein various operating statistics for the year ended June 30, 1911. The characters shown in this table indicate as follows: 0—none; *—absence of required figures.

Title of Corporation.	Stations.						Plant.								
	Generating Stations.	Capacity in K.W.	Sub-Stations.	Capacity in K.W.	K.W. Hours.			Number of Boilers.	Rated Horse Power.	Number of Engines.	Rated Horse Power.	Number of Water Wheels.	Rated Horse Power.	Number of Generators.	Total K.W.
					Total Station Out-put.	Total Sold.	Pr. Ct. Un-accounted For.								
1.	1	75	0	0	47,080	42,800	0	1	125	1	120	2	150	1	75
2.	1	6,000	1	4,500	0	0	0	12	6,000	3	3,040	0	0	3	6,000
3.	2	210	0	0	0	0	0	0	0	0	0	6	355	4	210
4.	1	60	0	0	0	0	0	1	80	1	62	0	0	1	60
5.	1	75	0	0	0	0	0	3	450	1	120	0	0	1	75
6.	1	350	0	0	2,115,104	1,798,192	8.3	7	1,643	5	1,940	0	0	5	1,350
7.	1	350	0	0	0	0	0	3	350	2	425	0	0	2	350
8.	1	300	2	240	0	0	0	0	0	0	0	1	325	3	300
9.	1	80	0	0	0	0	0	2	250	2	250	0	0	1	80
10.	1	235	0	0	270,045	230,636	2.6	2	250	3	430	0	0	3	235
11.	1	140	4	165	0	0	0	2	330	2	195	4	215	2	160
12.	1	270	0	0	0	0	0	2	325	2	345	0	0	2	270
13.	1	775	0	0	1,229,710	835,812	27.5	4	950	5	1,175	0	0	5	775
14.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15.	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16.	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17.	2	955	0	0	692,300	692,300	0	1	300	1	250	4	1,280	4	955
18.	0	0	0	0	737,470	233,192	60.9	0	0	0	0	0	0	0	0
19.	0	0	0	0	35,739	35,739	0	0	0	0	0	0	0	0	0
20.	1	120	0	0	0	0	0	1	125	2	215	0	0	4	120
21.	1	375	0	0	0	0	0	2	475	2	450	3	190	4	375

†Purchase current from Consolidation Coal Co.

‡Current is purchased and distributed only.

TABLE No. 22.

Showing for Each of the Electric Light Corporations Named Therein, Various Operating Statistics for the Year Ended June 30, 1911. The Characters Shown in This Report Indicate as Follows: 0—None; *—Absence of Required Figures.

Title of Corporation.	Street Lighting.										Commercial Lighting			
	On What Schedule	Arc Lamps						Incandescent Lamps				Number of consumers	Number of meters in service	Number of street lamps in service
		Number of open lamps	Watts at lamps	Price per lamp per year	Number of enclosed lamps	Watts at lamps	Price per lamp per year	Number of lamps	Candle power	Price per lamp per year				
1. Antietam Elec. Lt. & Power Co.....	All night.....	0	0	0	0	0	0	110	50	\$22.33 { 15.00	158	116	24	
2.	thr. after Sunset, thr. before Sunrise	0	0	0	0	0	0	72	40	{ 18.00	148	121	26	
3. Power Co.....	Moonlight.....	0	0	0	0	0	0	98	32	14.50	149	43	29	
4.	Moonlight.....	0	0	0	0	0	0	60	32	15.00	239	239	37	
5.	0	0	0	0	0	0	0	0	0	0	1458	1581	55	
6.	0	0	0	0	0	0	0	0	0	0	486	2	48	
7.	Dusk to Dawn.....	0	0	0	68	420	\$68.00 { 60.00	76	32	{ 15.00	211	211	2	
8.	All night.....	0	0	0	11	0	{ 75.00	124	25	{ 5.28	0	0	0	
9.	All night.....	30	0	40	0	0	0	0	0	0	0	0	0	
10.	All night.....	0	0	0	4	450	50.00	100	50	20.00 { 7.50	265	265	68	
11. Co.....	All night.....	0	0	0	0	0	0	155	16 to 48	{ 18.00	326	188	34	
12. Idlewild Elec. Lt., Heat & Power Co.....	0	0	0	0	0	0	0	0	0	0	450	0	16	
13. Lonsaconing Elec. Lt. & Power Co.....	All night.....	0	0	0	0	0	0	381	32 to 60	{ 38.00 { 42.00	2174	2247	749	
14. Mt. Washington Elec. Lt. & Power Co.....	All night.....	0	0	0	6	680	30.00	14	32	18.20	287	0	11	
15. Midland Elec. Light Co.	Moonlight.....	0	0	0	0	0	0	42	40	6.50	0	0	0	
16. New Windsor Elec. Lt. & Water Co.....	All night.....	0	0	0	0	0	0	211	40	12.00	965	965	214	
17. Patapsco Elec. & Mfg. Co. of Del	0	0	0	0	0	0	0	50	32	17.50	114	0	17	
18. Port Deposit Elec. Co.	0	0	0	0	0	0	0	68	16	12.88	116	0	66	
19. Snow Hill Elec. Lt. & Power Co.....	All night.....	0	0	0	0	0	0	370	16	9.00	508	130	0	
20. Salisbury Lt., Heat & Power Co.....	0	0	0	7	550	60.00	0	0	0	0	0	0	0	

TABLE

Showing for Each of the Electric Light and Gas Corporations Named Therein the Total Amount of Such Assets

Title of Corporation.	Assets.	
	Total Amount June 30, 1911.	Increase Over June 30, 1910.
	1	2
1. Annapolis Gas & Elec. Lt. Co.....	\$333,036	\$4,101
2. Consolidated Gas, Elec. Lt. & P. Co.....	41,258,164	418,891
4. Cambridge Gas, Elec. Lt. & P. Co.....	218,117	.....
5. Cumberland Gas Light Co.....	51,808	.....
6. Easton Light & Fuel Co.....	104,740	.....
7. Frederick Gas & Elec. Co.....	410,833	371,345
8. Georgetown Gas Light Co.....	54,346	16,246
9. Home Gas Co.....	83,740	1,222
10. Havre de Grace Gas Co.....	105,232	2,127
11. Hyattsville Gas & Elec. Co.....	168,604	11,251
12. Manchester Light & Heat Co.....	5,736	1,125
14. Washington Gas Light Co.....	28,614	1,436
13. Northern Natural Gas Co.....	192,316	6,045
15. W. Va. & Md. Gas Co. of Md.....	234,688	4,402
16. W. Va. & Md. Gas Co. of W. Va.....	3,264,687	317,977

Title of Corporation.	Materials and Supplies.
	10
1. Annapolis Gas & Elec. Lt. Co.....	\$2,155
2. Consolidated Gas, Elec. Lt. & P. Co.....	536,410
4. Cambridge Gas, Elec. Lt. & P. Co.....	3,990
5. Cumberland Gas Light Co.....	5,691
6. Easton Light & Fuel Co.....	610
7. Frederick Gas & Elec. Co.....	1,067
8. Georgetown Gas Light Co.....	.....
9. Home Gas Co.....	3,180
10. Havre de Grace Gas Co.....	512
11. Hyattsville Gas & Elec. Co.....	5,299
12. Manchester Light & Heat Co.....	56
14. Washington Gas Light Co.....	.....
13. Northern Natural Gas Co.....	.....
15. W. Va. & Md. Gas Co. of Md.....	.....
16. W. Va. & Md. Gas Co. of W. Va.....	61

Title of Corporation.	Taxes Accrued and Unpaid.
	18
1. Annapolis Gas & Elec. Lt. Co.....	.....
2. Consolidated Gas, Elec. Lt. & P. Co.....	.....
4. Cambridge Gas, Elec. Lt. & P. Co.....	\$1,468
5. Cumberland Gas Light Co.....	812
6. Easton Light & Fuel Co.....	374
7. Frederick Gas & Elec. Co.....	113
8. Georgetown Gas Light Co.....	.....
9. Home Gas Co.....	246
10. Havre de Grace Gas Co.....	.....
11. Hyattsville Gas & Elec. Co.....	.....
12. Manchester Light & Heat Co.....	.....
14. Washington Gas Light Co.....	.....
13. Northern Natural Gas Co.....	.....
15. W. Va. & Md. Gas Co. of Md.....	.....
16. W. Va. & Md. Gas Co. of W. Va.....	.....

*Franchise.
NOTE—Deficit, loss and other reverse items in this table are printed in black type.

to 30.

of Assets, the Total Amount of Liabilities and the Surplus on June 30, 1911, and the Classification and Liabilities.

Totals.				Details of Assets.		
Liabilities.		Surplus.				
Total Amount June 30, 1911.	Increase Over June 30, 1910.	Total Amount June 30, 1911.	Increase Over June 30, 1910.	Cost of Plant.	Cash.	Bills and Accounts Receivable.
3	4	5	6	7	8	9
\$297,200	\$2,023	\$35,836	\$6,125	\$296,163	\$3,831	\$7,512
40,249,668	1,244,176	1,008,495	825,285	38,248,111	344,956	630,902
219,965	.....	1,848	.....	163,824	.....	3,902
102,359	.....	50,551	.....	30,740	11,901	3,410
102,532	.....	2,208	.....	102,217	50	1,462
383,054	905	27,778	6,654	387,888	21,150	448
53,310	15,562	1,035	684	52,409	264	1,621
81,630	550	2,110	1,772	76,927	100	3,322
111,418	4,575	6,186	2,449	104,017	195	483
149,650	2,619	18,954	8,532	152,471	686	8,009
5,380	350	356	875	5,380	6	.....
13,024	579	15,589	2,014	7,973	6,291	483
177,762	4,674	14,553	10,719	189,718	1,201	619
198,820	15,423	35,868	19,825	232,299	.....	2,389
2,787,720	130,091	476,967	187,885	2,733,660	153,995	374,998

Details of Assets—Continued.					Details of Liabilities.	
Investments.	Sinking Fund and Other Reserves.	Special Deposits and Prepayments.	Unex-tinguished Discount on Securities.	Sundries.	Capital Stock.	Funded Debt.
11	12	13	14	15	16	17
\$3,849	\$19,525	.....	.....	.....	\$100,000	\$190,000
1,261,574	53,968	\$119,086	\$37,500	\$25,653	13,460,088	24,972,000
.....	*47,000	100,000	100,000
.....	65	100,000	.....
.....	50,000	50,000
100	178	200,000	181,500
.....	50	.....	.....	10,000	.....
.....	210	80,000	.....
.....	23	.....	.....	50,000	50,000
.....	1,282	.....	855	86,000	.....
.....	300	.....	.....	.....	5,380	.....
.....	10,000	.....
.....	776	100,000	.....
.....	20,000	.....
.....	2,972	1,250,000	1,127,000

Details of Liabilities—Continued.						
Interest Ac-crued on Funded and Other Debt.	Bills and Accounts Payable.	Dividends Payable.	Consumers' Deposits.	Sinking Funds and Other Reserves.	Reserve for Accrued Depreciation.	Sundries.
19	20	21	22	23	24	25
\$1,375	\$5,575	.....	\$250	.....	.....	.....
495,248	955,136	\$88,750	52,911	.....	.....	.....
6,000	12,211	.....	.....	.....	.....	\$285
.....	1,547	.....	.....	.....	\$1,250	.....
1,250	612	.....	.....	.....	.....	295
.....	91	.....	100	.....	.....	.....
404	42,906	.....	.....	.....	.....	.....
.....	400	.....	.....	\$983	.....	.....
1,558	9,860	.....	.....	.....	.....	.....
1,240	61,108	.....	15	1,286	.....	.....
.....
.....	2,733	.....	291	.....	.....	.....
.....	77,276	.....	125	361	.....	.....
.....	178,820	.....	.....	.....	.....	.....
16,905	351,974	.....	9,064	3,268	.....	29,507

TABLE

Showing for Each of the Electric Light and Gas Corporations Named Therein the Amount of Appropriations from Net Income and the Surplus

Title of Corporation.	Gross Income From All Sources.
	1
1. Annapolis Gas & Elec. Lt. Co.....	\$65,524
2. Consolidated Gas, Elec. Lt. & P. Co.....	4,867,776
4. Cambridge Gas, Elec. Lt. & P. Co.....	20,900
5. Cumberland Gas Light Co.....	17,567
6. Easton Light & Fuel Co.....	12,410
7. Frederick Gas & Electric Co.....	51,680
8. Georgetown Gas Light Co.....	3,244
9. Home Gas Co.....	21,375
10. Havre de Grace Gas Co.....	5,896
11. Hyattsville Gas & Elec. Co.....	29,988
12. Manchester Light & Heat Co.....	944
14. Washington Gas Light Co.....	6,649
13. Northern Natural Gas Co.....	28,934
15. W. Va. & Md. Gas Co. of Md.....	47,887
16. W. Va. & Md. Gas Co. of W. Va.....	476,352

Title of Corporation.	Operating Expenses.	
	Production.	Distribution.
	9	10
1. Annapolis Gas & Elec. Lt. Co.....	\$17,164	.....
2. Consolidated Gas, Elec. Lt. & P. Co.....	321,532	\$284,049
4. Cambridge Gas, Elec. Lt. & P. Co.....	4,580	104
5. Cumberland Gas Light Co.....	.....	.....
6. Easton Light & Fuel Co.....	2,409	520
7. Frederick Gas & Electric Co.....	9,248	5,503
8. Georgetown Gas Light Co.....	.....	.....
9. Home Gas Co.....	.....	.....
10. Havre de Grace Gas Co.....	.....	.....
11. Hyattsville Gas & Elec. Co.....	.....	.....
12. Manchester Light & Heat Co.....	.....	.....
14. Washington Gas Light Co.....	.....	.....
13. Northern Natural Gas Co.....	.....	.....
15. W. Va. & Md. Gas Co. of Md.....	.....	.....
16. W. Va. & Md. Gas Co. of W. Va.....	.....	.....

Title of Corporation.	Deductions from	
	Other Deductions	
	Uncollectible Bills.	Interest on Funded Debt.
	18	19
1. Annapolis Gas & Elec. Lt. Co.....	.....	\$10,300
2. Consolidated Gas, Elec. Lt. & P. Co.....	.....	1,333,579
4. Cambridge Gas, Elec. Lt. & P. Co.....	\$528	6,000
5. Cumberland Gas Light Co.....	.....	.....
6. Easton Light & Fuel Co.....	.....	2,500
7. Frederick Gas & Electric Co.....	67	9,075
8. Georgetown Gas Light Co.....	.....	.....
9. Home Gas Co.....	.....	.....
10. Havre de Grace Gas Co.....	.....	2,500
11. Hyattsville Gas & Elec. Co.....	118	.....
12. Manchester Light & Heat Co.....	.....	.....
14. Washington Gas Light Co.....	.....	.....
13. Northern Natural Gas Co.....	.....	.....
15. W. Va. & Md. Gas Co. of Md.....	.....	.....
16. W. Va. & Md. Gas Co. of W. Va.....	92	67,315

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 31.

Gross Income from All Sources, the Deductions from Gross Income, the Net Income, the from the Operations of the Year Ended June 30, 1911.

Totals.				Distribution of Income.		
Deductions From Gross Income.	Net Income.	Appropriations From Net Income.	Surplus.	Operating Revenue, Electric.	Operating Revenue, Gas.	Non-Operating Revenue.
2	3	4	5	6	7	8
\$53,605	\$11,919	\$6,000	\$5,919	\$83,173	\$32,350	.....
3,832,932	1,034,932	1,860,295	825,368	2,004,948	2,862,828	.....
21,307	817	.....	317	5,967	15,022	.....
17,199	368	.....	368	.....	16,725	\$841
10,207	2,208	.....	2,208	4,529	7,881	.....
39,534	12,146	5,500	6,646	27,950	22,879	851
2,560	684	.....	684	.....	2,514	729
14,220	7,154	8,063	909	.....	21,375	.....
7,797	1,900	548	2,448	.....	5,896	.....
21,455	8,532	.....	8,532	.....	29,988	.....
976	81	.....	81	.....	944	.....
4,685	2,014	.....	2,014	.....	6,280	360
18,083	10,851	181	10,720	.....	28,934	.....
28,061	19,825	.....	19,825	.....	47,887	.....
250,966	225,385	37,500	187,885	.....	476,352	.....

Deductions from Income.

Electric.		Operating Expenses, Gas.			Other Deductions.	
Utilization.	General.	Production.	Trans- mission and Distribution.	Commercial and New Business.	General.	Taxes.
11	12	13	14	15	16	17
.....	\$871	\$21,633	\$829	.....	.....	\$2,516
\$101,461	292,494	630,829	204,718	\$200,472	\$104,880	315,000
.....	168	7,509	629	429	422	5,788
.....	.....	13,226	1,552	.....	1,100	1,320
.....	.....	4,525	109	.....	138	.....
.....	1,660	9,386	2,058	.....	1,219	1,216
.....	.....	5,374	2,443	138	4,985	221
.....	.....	2,843	797	165	752	1,278
.....	.....	.....	.....	.....	.....	586
.....	.....	12,455	3,527	.....	1,080	1,147
.....	.....	916	.....	.....	.....	60
.....	.....	4,093	.....	337	.....	203
.....	.....	5,755	6,452	.....	177	768
.....	.....	9,575	10,232	.....	58	1,613
.....	.....	95,124	40,373	.....	34,866	9,902

Income—Continued.

—Continued.

Income—Continued.		Appropriations from Net Income.				
Interest on Unfunded Debt.	Mis- cellaneous.	Depreciation of Plant.	Sinking Funds and Optional Reserves.	Dividends.	Extin- guishment of Discount on Securities.	Sundries.
20	21	22	23	24	25	26
\$288	\$6,000	.....	.....
48,823	\$219,049	780,105	\$676,869	\$184,270
.....
.....
.....	\$50	.....	1,500	4,000	.....	.....
1,656	682	.....	.....	5,200	.....	.....
.....	\$2,500	363	.....	.....	.....
152	548
3,125
.....
20
4,929	131	.....	.....	.....
6,582
3,291	37,500	.....	.....

TABLE

Showing for Each of the Electric Light and Gas Corporations Named Therein the Total Funded Capital Stock as are Held by the Issuing Corporation), the Rate Per Cent. and Dates of Payment

Title of Corporation.	Funded Debt.			
	Description.	Date.	Term of Years.	Amount Outstanding.
	1	2	3	4
1. Annapolis Gas & Elec. Lt. Co.....	1st Mtge....	1890	31	\$80,000
	Consols.....	1903	30	110,000
2. Consolidated Gas, Elec. Lt. & P. Co.....	Consols.....	1889	50	3,450,000
	General.....	1904	50	2,751,000
	General.....	1905	30	10,081,000
	Notes.....	1910	3	4,000,000
	Certificates..	Various	10	312,000
United Electric Lt. & Power Co.....	Consols.....	1899	30	4,428,000
3. Consolidated Public Utilities Co.....	1st Mtg. Gas.	1908	30	30,000
	1st Mtg. Elec.	1904	20	20,000
Citizens Water Co.....	1st Mtge....	1905	35	40,000
Westminster Water Co.....	1st Mtge....	1902	30	45,000
4. Cambridge Gas, Elec. Lt. & P. Co.....	1st Mtge....	1909	20	100,000
5. Cumberland Gas Light Co.....		....	..	.....
6. Easton Light & Fuel Co.....	1st Mtge....	1904	26	50,000
7. Frederick Gas & Electric Co.....	1st Mtge....	1904	25	181,500
8. Georgetown Gas Light Co.....		....	..	.....
9. Home Gas Co.....		....	..	.....
10. Havre de Grace Gas Co.....	1st Mtge....	1908	30	50,000
11. Hyattsville Gas & Elec. Co.....		....	..	.....
12. Manchester Light & Heat Co.....		....	..	.....
13. Northern Natural Gas Co.....		....	..	.....
14. Washington Gas Light Co.....		....	..	.....
15. W. Va. & Md. Gas Co. of Md.....		....	..	.....
16. W. Va. & Md. Gas Co. of W. Va.....	1st Mtge....	1911-'18	Var.	1,127,000

No. 32.

Debt and Capital Stock Outstanding on June 30, 1911 (Exclusive of Such Funded Debt and of Interest on Funded Debt and the Rate Per Cent. and Amount of Dividends Paid on Capital Stock.

Interest.		Common Stock.			Preferred Stock.		
Rate Per Cent.	Dates Payable.	Amount Outstanding.	Dividends Paid During Year.	Rate Per Cent.	Amount Outstanding.	Dividends Paid During Year.	Rate Per Cent.
3	6	7	8	9	10	11	12
6	J. & J.	\$100,000	\$8,000	6	.....	.....	.....
5	A. & O.	.....	.....	.....	.....	.....	.....
5	J. & J.	7,100,034	358,501	4 & 5	6,860,054	381,603	6
4 1/2	A. & O.	.....	.....	.....	.....	.....	.....
4 1/2	J. & J.	.....	.....	.....	.....	.....	.....
5	J. & J.	.....	.....	.....	.....	.....	.....
4 1/2	J. & J.	.....	.....	.....	.....	.....	.....
4 1/2	M. & N.	.....	.....	.....	.....	.....	.....
5	A. & O.	137,540	.....	.....	.....	.....	.....
5	J. & J.	.....	.....	.....	.....	.....	.....
4	A. & O.	.....	.....	.....	.....	.....	.....
4	F. & A.	.....	.....	.....	.....	.....	.....
6	A. & O.	100,000	.....	.....	.....	.....	.....
..	.....	100,000	.....	.....	.....	.....	.....
5	J. & J.	50,000	.....	.....	.....	.....	.....
5	J. & J.	100,000	.....	.....	100,000	.....	.....
..	.....	10,000	.....	.....	.....	.....	.....
..	.....	80,000	4,800	6	.....	.....	.....
5	M. & S.	50,000	.....	.....	.....	.....	.....
..	.....	88,000	.....	.....	.....	.....	.....
..	.....	5,380	.....	.....	.....	.....	.....
..	.....	100,000	.....	.....	.....	.....	.....
..	.....	10,000	.....	.....	.....	.....	.....
..	.....	20,000	.....	.....	.....	.....	.....
..	.....	1,250,000	37,500	8	.....	.....	.....

TABLE

Showing for Each of the Electric Light and Gas Corporations Named Therein Various Table Indicate as follows: 0—none;

Title of Corporation.	Production Plant, etc.		
	Number of Benches.	Number of Retorts.	Number of Holders.
	1	2	3
1. Annapolis Gas & Elec. Lt. Co.....	3	18	2
2. Consolidated Gas, Elec. Lt. & P. Co.....	0	0	15
3. Consolidated Public Utilities Co.....	8	12	*
4. Cambridge Gas, Elec. Lt. & P. Co.....	3	16	1
5. Cumberland Gas Light Co.....	6	36	2
6. Easton Light & Fuel Co.....	1	0	1
7. Frederick Gas & Electric Co.....	3	15	1
8. Georgetown Gas Light Co.....	0	0	0
9. Home Gas Co.....	0	0	2
10. Havre de Grace Gas Co.....	0	0	1
11. Hyattsville Gas & Elec Co.....	4	24	1
12. Manchester Light & Heat Co.....	0	0	0
14. Washington Gas Light Co.....	0	0	0
18. Northern Natural Gas Co.....	0	0	0
15. W. Va. & Md. Gas Co. of Md.....	0	0	0
16. W. Va. & Md. Gas Co. of W. Va.....	0	0	0

Title of Corporation.	Quantities Made, Bought and Sold During Year—Continued.		
	Sold.		
	Coal Gas, M. Cu. Ft. 11	Water Gas, M. Cu. Ft. 12	Mixed Gas, M. Cu. Ft. 13
1. Annapolis Gas & Elec. Lt. Co.....	22,272	0	*
2. Consolidated Gas, Elec. Lt. & P. Co.....	0	0	3,140,663
3. Consolidated Public Utilities Co.....	6,453	0	0
4. Cambridge Gas, Elec. Lt. & P. Co.....	*	*	*
5. Cumberland Gas Light Co.....	11,994	0	0
6. Easton Light & Fuel Co.....	0	3,875	0
7. Frederick Gas & Electric Co.....	0	18,432	0
8. Georgetown Gas Light Co.....	3,202	0	0
9. Home Gas Co.....	0	14,312	0
10. Havre de Grace Gas Co.....	0	0	0
11. Hyattsville Gas & Elec Co.....	18,223	0	0
12. Manchester Light & Heat Co.....	0	†6	0
14. Washington Gas Light Co.....	0	0	7,103
18. Northern Natural Gas Co.....	0	0	106
15. W. Va. & Md. Gas Co. of Md.....	0	0	187
16. W. Va. & Md. Gas Co. of W. Va.....	0	0	5,155

†Acetylene Gas.

No. 33.

Operating Statistics for the Year Ended June 30, 1911. The Characters Shown in This
*—absence of Required Figures.

Capacity of Holders, Cu. Ft.	Daily Capacity of Plant.		Quantities Made, Bought and Sold During Year.			
	Coal Gas, M. Cu. Ft.	Water Gas, M. Cu. Ft.	Made.		Bought.	
			Coal Gas, M. Cu. Ft.	Water Gas, M. Cu. Ft.	Coal Gas, M. Cu. Ft.	Mixed Gas, M. Cu. Ft.
4	5	6	7	8	9	10
85,000	100,000	0	0	*	*	0
8,263,000	0	12,000,000	0	2,004,823	1,233,285	0
*	45	0	*	0	0	0
30,000	110	0	*	*	*	*
75,000	*	*	18,291	0	0	0
20,000	0	35	0	0	0	0
50,000	100	*	0	19,463	0	0
0	0	0	0	0	3,202	0
60,000	0	150	0	14,780	0	0
20,000	0	100	0	0	0	0
60,000	180	0	19,701	0	0	0
0	0	0	0	0	0	0
0	0	0	0	0	0	7,103
0	0	0	0	0	0	0
0	0	0	0	0	0	0
0	0	0	0	0	0	0
0	0	0	0	0	0	0
Distribution Mains. Length in Feet.			Consumers.			
Above 12 inches in diameter.	Above 4 inches but not above 12 inches in diameter.	Above 1 inch but not above 4 inches in diameter.	Number of Street Lamps.	Price Per Year.	Number of Private Consumers.	Number of Meters in Service.
14	15	16	17	18	19	20
*	*	*	*	*	*	1,047
206,531	939,151	2,128,247	0	0	101,888	108,283
*	*	0	*	*	*	457
0	2,100	27,700	158	*	719	719
*	*	*	*	*	498	549
*	*	*	6	*	300	316
0	64,360	*	0	0	1,175	1,205
0	32,173	8,081	*	*	*	213
0	8,278	59,661	0	0	937	937
0	2,610	15,304	0	0	307	301
0	33,112	73,822	1	\$24	1,189	1,190
0	0	6,575	31	.....	50	50
0	5,878	11,356	*	*	186	186
.....	79,857	68,898	.....	.....	811	811
.....	80,398	352,400	2	.....	2,104	2,102
.....	185,756	211,264	103	.....	6,278	6,259

TABLE

Showing for Each of the Water Corporations Named Therein the Total Amount of Assets,
Classification of Such

Title of Corporation.	Total Assets June 30, 1911. 1
1. Annapolis Water Co.....	\$143,848
2. Baltimore County Water & Elec. Co.....	1,749,986
3. Bel Air Water & Light Co.....	96,906
4. Boonsboro Water Co.....	20,903
5. Brooklyn & Curtis Bay Water Co.....	113,503
6. Cambridge Water Co.....	40,417
7. Emmitsburg Water Co.....	13,495
8. Frostburg Water Co.....	16,742
9. Lonaconing Water Co.....	123,371
10. Maryland Water Co.....	33,062
11. Mechanicstown Water Co.....	12,235
12. Midland Elklick Water Co.....	45,616
13. Mountain Lake Water & Light Co.....	51,561
14. Mt. Washington Water Works Co.....	34,507
15. Perryville Water Co.....	31,740
16. Port Deposit Water Co.....	16,555
17. Roland Park Co.....	351,731
18. Salisbury Water Co.....	115,636
19. Suburban Water Co.....	220,061
20. Union Bridge Water Co.....	13,224
21. Washington County Water Co.....	773,172
22. Walkersville Water Co.....	22,432

Title of Corporation.	Bills and Accounts Receivable. 9
1. Annapolis Water Co.....	\$7,200
2. Baltimore County Water & Elec. Co.....	51,431
3. Bel Air Water & Light Co.....	256
4. Boonsboro Water Co.....	425
5. Brooklyn & Curtis Bay Water Co.....	816
6. Cambridge Water Co.....	6,892
7. Emmitsburg Water Co.....	345
8. Frostburg Water Co.....	1,496
9. Lonaconing Water Co.....	53
10. Maryland Water Co.....	3,673
11. Mechanicstown Water Co.....	372
12. Midland Elklick Water Co.....	719
13. Mountain Lake Water & Light Co.....	157
14. Mt. Washington Water Works Co.....	927
15. Perryville Water Co.....	3,249
16. Port Deposit Water Co.....	81
17. Roland Park Co.....	1,870
18. Salisbury Water Co.....	1,264
19. Suburban Water Co.....	216
20. Union Bridge Water Co.....	
21. Washington County Water Co.....	
22. Walkersville Water Co.....	

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 35.

the Total Amount of Liabilities, the Total Amount of Surplus on June 30, 1911, and the Assets and Liabilities.

Totals.					Details of Assets.	
Increase Over Preceding Year. 2	Total Liabilities June 30, 1911. 3	Increase Over Preceding Year. 4	Surplus June 30, 1911. 5	Increase Over Preceding Year. 6	Cost of Plant. 7	Cash. 8
\$7,268	\$102,056	\$1,110	\$41,792	\$6,148	\$121,793	\$10,720
384,303	1,708,271	338,787	41,715	25,516	1,638,186	2,938
4,730	93,817	137	3,090	4,866	96,276	876
152	20,250	231	653	383	20,000	478
.....	107,595	.....	5,908	.....	111,431	1,053
4,263	40,417	13,358	.....	9,094	29,218	806
102	13,227	853	266	454	12,000	1,148
366	11,950	.....	4,793	366	15,000	144
129	103,000	.....	20,371	129	121,181	1,325
1,601	66,911	2,145	33,849	549	30,000	203
.....	10,370	.....	1,865	.....	10,708	1,526
.....	70,983	.....	25,366	.....	43,965	1,218
.....	51,561	.....	.....	.....	50,750	67
408	36,265	236	1,757	644	84,300	.....
.....	10,206	.....	21,534	.....	29,660	1,152
1,167	16,517	1,313	37	145	16,500	55
8,334	183,947	8,042	167,763	285	151,712	.....
.....	116,049	.....	413	.....	113,546	1,514
.....	219,516	.....	551	.....	64,972	8,094
8,700	19,845	600	6,620	6,620	11,743	215
5,909	695,500	.....	77,672	5,909	764,004	7,997
.....	21,332	.....	1,120	.....	22,021	147

Details of Assets—Continued.					Details of Liabilities	
Material and Supplies. 10	Investment. 11	Sinking Funds. 12	Special Deposits and Prepayments. 13	Sundries. 14	Capital Stock. 15	Funded Debt. 16
.....	\$3,762	\$371	.....	\$61,450	\$15,000
\$5,000	\$5,000	624	7,965	*\$38,840	390,000	987,000
.....	49,500	43,500
200	10,000	10,000
.....	3,500	.....	.....	100,000	.....
.....	23,000	3,500
102	12,000	.....
811	9,950	2,000
26	94	70,000	33,000
.....	30,000	30,000
61	9,500	.....
25	41,500	29,000
50	20,000	.....
.....	20,250	.....
.....	10,200	.....
.....	10,000	6,500
285	†196,483	.....	135,000
493	50,000	60,000
785	†144,340	100,000	70,000
.....	11,745	.....
1,170	320,000	340,500
68	20,000	.....

TABLE No. 35

Title of Corporation.		Interest on Funded and Other Debt. 17
1.	Annapolis Water Co.....	
2.	Baltimore County Water & Elec. Co.....	\$7,806
3.	Bel Air Water & Light Co.....	754
4.	Boonsboro Water Co.....	259
5.	Brooklyn & Curtis Bay Water Co.....	147
6.	Cambridge Water Co.....	
7.	Emmitsburg Water Co.....	
8.	Frostburg Water Co.....	
9.	Lonaconing Water Co.....	
10.	Maryland Water Co.....	5,490
11.	Mechanicstown Water Co.....	
12.	Midland Electric Water Co.....	683
13.	Mountain Lake Water & Light Co.....	3,006
14.	M.....ter Works Co.....	
15.	P.....	
16.	P.....Co.....	
17.	E.....	1,687
18.	S.....	1,500
19.	S.....	
20.	U.....r Co.....	
21.	W.....Water Co.....	
22.	W.....Co.....	22

*\$37,820 unextinguished discount on securities.

†Franchise.

‡Franchise, \$113,840. Equity in borrowed bonds, \$31,000.

Continued.

Details of Liabilities—Continued.						
Taxes Accrued. 18	Bills and Accounts Payable. 19	Customers' Deposits. 20	Sundries. 21	Dividends Payable. 22	Sinking Fund and Optional Reserves. 23	Reserve for Depreciation. 24
				\$1,848	\$19,402	\$4,360
\$63	\$62,755	\$12,092	\$985		202,385	95,243
64			7,383			
	3,000			690	10,227	
	1,227					
100	1,701					
70			800			
	27,961					
	15,779		236			
			6			
17						
74	2,654	2,518				42,018
	4,549					
	49,510					
	8,100					
	35,000					
	1,300					

TABLE

Showing for Each of the Water Corporations Named Therein the Gross Income from All Income, and the Surplus from the Operations of the Year Ended June, 30, 1911. The Char

Title of Corporation.	Totals.		
	Gross Income From All Sources.	Deductions From Gross Income.	Net Income.
	1	2	3
1. Annapolis Water Co.....	\$23,922	\$12,966	\$10,955
2. Baltimore County Water & Elec. Co.....	195,183	155,149	39,983
3. Bel Air Water & Light Co.....	4,390	3,861	529
4. Boonsboro Water Co.....	1,160	788	372
5. Brooklyn & Curtis Bay Light & Water Co.....	7,062	8,186	1,094
6. Cambridge Water Co.....	*	*	*
7. Emmitsburg Water Co.....	2,811	189	2,622
8. Frostburg Water Co.....	1,647	1,553	94
9. Lonaconing Water Co.....	3,797	3,667	129
10. Maryland Water Co. of Cecil Co.....	5,401	3,462	1,939
11. Mechanicstown Water Co.....	2,307	395	1,912
12. Midland Elklick Water Co.....	2,846	2,047	798
13. Mountain Lake Water & Light Co.....	3,100	3,166	66
14. Mt. Washington Water Works Co.....	3,773	4,112	339
15. Perryville Water Co.....	3,982	1,926	2,056
16. Port Deposit Water Co.....	2,325	939	1,385
17. Roland Park Co.....	24,207	19,740	4,466
18. Salisbury Water Co.....	5,695	5,904	209
19. Suburban Water Co.....	5,065	5,056	9
20. Union Bridge Water Co.....	2,346	1,569	776
21. Washington County Water Co.....	*	*	*
22. Walkersville Water Co.....	1,667	583	1,084

Title of Corporation.	Deductions from Gross		
	Repairs.	General Expenses.	Taxes.
	11	12	13
1. Annapolis Water Co.....	\$629	\$797	\$1,244
2. Baltimore County Water & Elec. Co.....	*	110,616	*
3. Bel Air Water & Light Co.....	33	533	120
4. Boonsboro Water Co.....	0	157	36
5. Brooklyn & Curtis Bay Light & Water Co.....	255	1,037	259
6. Cambridge Water Co.....	*	*	*
7. Emmitsburg Water Co.....	0	0	69
8. Frostburg Water Co.....	130	1,016	52
9. Lonaconing Water Co.....	*	1,135	132
10. Maryland Water Co. of Cecil Co.....	97	522	120
11. Mechanicstown Water Co.....	*	169	159
12. Midland Elklick Water Co.....	0	389	94
13. Mountain Lake Water & Light Co.....	444	600	148
14. Mt. Washington Water Works Co.....	2,752	1,010	*
15. Perryville Water Co.....	*	1,162	121
16. Port Deposit Water Co.....	*	273	51
17. Roland Park Co.....	1,291	4,848	421
18. Salisbury Water Co.....	0	567	94
19. Suburban Water Co.....	231	1,749	67
20. Union Bridge Water Co.....	114	253	10
21. Washington County Water Co.....	*	*	*
22. Walkersville Water Co.....	77	344	*

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 36.

Sources, the Deduction from Gross Income, the Net Income, the Appropriations from Net
acters Shown in This Report Indicate as Follows: 0—none; *—absence of Required Figures.

		Revenue.		Deduction from Gross Income.		
Appropriations From Net Income.	Surplus.	Operating Revenue.	Non- Operating Revenue.	Collecting System Expenses.	Pumping System Expenses.	Distribution System Expenses.
4	5	6	7	8	9	10
\$4,806	\$6,149	\$23,747	\$175	\$1,760	\$2,819	\$1,176
15,000	24,983	194,083	1,050	*	*	*
0	529	4,390	0	0	928	86
0	372	1,160	0	0	0	93
0	1,094	7,032	59	0	6,108	291
*	*	*	*	*	*	*
960	1,662	2,811	0	60	0	0
0	94	1,647	0	39	0	0
0	129	3,797	0	0	420	0
0	1,938	5,401	0	*	1,212	*
0	1,912	2,307	0	*	*	*
0	798	2,846	0	0	0	113
0	66	3,100	0	0	0	0
0	339	3,773	0	0	90	258
0	2,056	3,982	0	0	0	356
1,400	15	2,325	0	0	0	209
4,181	285	24,207	0	0	5,868	560
0	209	5,695	0	0	2,242	0
4,457	4,448	5,029	36	*	1,758	*
0	776	2,346	0	40	754	103
*	*	*	*	*	*	*
0	1,084	1,667	0	*	*	*

Income—Cont'd.			Appropriations from Net Income.			
Uncollectible Bills.	Interest on Funded and Other Debt.	Miscellaneous Expenses.	Depreciation of Plant.	Sinking Fund and Optional Reserves.	Dividends.	Mis- cellaneous.
14	15	16	17	18	19	20
\$107	\$750	0	0	\$1,119	\$3,687	0
*	44,533	0	\$15,000	0	0	0
*	2,216	0	0	0	0	0
*	500	0	0	0	0	0
88	147	0	0	*	*	*
0	60	0	0	0	980	0
151	120	\$42	0	0	0	0
*	1,980	0	0	0	0	0
0	1,510	0	0	0	0	0
*	66	0	0	0	0	0
0	0	0	0	0	0	0
250	1,800	0	0	0	0	0
*	0	0	0	0	0	0
*	286	0	0	0	0	0
*	405	0	0	250	1,150	0
0	6,750	0	4,181	0	0	0
0	3,000	0	0	0	0	0
*	1,250	0	0	0	0	4,457
0	456	82	0	0	0	0
*	*	*	*	*	*	*
*	160	0	0	0	0	0

TABLE

Showing for Each of the Water Corporations Named Therein the Total Funded Debt and Capital Held by the Issuing Corporation), the Rate Per Cent. and Dates of Payment of Interest on

Title of Corporation.	Funded Debt.			
	Description.	Date.	Term of Years.	Amount Outstanding.
	1	2	3	4
1. Annapolis Water Co.....	1st Mtge....	1894	30	\$15,000
2. Baltimore County Water & Elec. Co.....	1st Mtge....	1906	40	917,000
3. Bel Air Water & Light Co.....	Real Estate..	....	..	20,000
	1st Mtge....	1891	30	40,000
	Notes.....	1908	3	3,500
4. Boonsboro Water Co.....	1st Mtge....	1909	10	10,000
5. Brooklyn & Curtis Bay Light & Water Co.....	.....	.....	.....	.....
6. Cambridge Water Co.....	1st Mtge....	1893	20	3,500
7. Emmitsburg Water Co.....	.....	.....	.....	.....
8. Frostburg Water Co.....	1st Mtge....	.....	..	2,000
9. Lonaconing Water Co.....	1st Mtge....	1895	20	33,000
10. Maryland Water Co. of Cecil Co.....	1st Mtge....	1892	..	30,000
12. Midland Elklck Water Co.....	1st Mtge....	1904	20	29,000
13. Mountain Lake Water & Light Co.....	.....	.....	.....	.....
14. Mt. Washington Water Works Co.....	.....	.....	.....	.....
11. Mechanicstown Water Co.....	.....	.....	.....	.....
15. Perryville Water Co.....	.....	.....	.....	.....
16. Port Deposit Water Co.....	1st Mtge....	1897	20	6,500
17. Roland Park Co.....	1st Mtge....	1907	30	135,000
18. Salisbury Water Co.....	1st Mtge....	1906	20	60,000
19. Suburban Water Co.....	1st Mtge....	1911	50	70,000
20. Union Bridge Water Co.....	.....	.....	.....	.....
21. Washington County Water Co.....	1st Mtge....	1907	50	340,500
22. Walkersville Water Co.....	.....	.....	.....	.....

No. 37.

Stock Outstanding on June 30, 1911, (Exclusive of Such Funded Debt and Capital Stock as are Funded Debt and the Rate Per Cent. and Amount of Dividends Paid on Capital Stock.

Interest.		Common Stock.			Preferred Stock.		
Rate Per Cent.	Dates Payable.	Amount Outstanding.	Dividends Paid During Year.	Rate Per Cent.	Amount Outstanding.	Dividends Paid During Year.	Rate Per Cent.
5	6	7	8	9	10	11	12
5	J. & J.	\$61,450	\$3,687	6	.....	.....	.....
5	M. & N.	390,000	.....	.....	.....	.....	.....
5	M. & S.	.....	.....	.....	.....	.....	.....
5	F. & A.	49,500	.....	.....	.....	.....	.....
5	J. & J.	10,000	.....	.....	.....	.....	.....
5	J. & J.	100,000	.....	.....	.....	.....	.....
5 & 6	J. & J.	23,000	.....	.....	.....	.....	.....
6	J. & J.	12,000	960	8	.....	.....	.....
6	J. & J.	9,950	.....	.....	.....	.....	.....
6	F. & A.	70,000	.....	.....	.....	.....	.....
5	M. & N.	80,000	.....	.....	.....	.....	.....
5	M. & S.	41,500	.....	.....	.....	.....	.....
..	.....	20,000	.....	.....	.....	.....	.....
..	.....	20,250	.....	.....	.....	.....	.....
..	.....	9,500	570	6	.....	.....	.....
..	.....	10,200	.....	.....	.....	.....	.....
6	M. & S.	10,000	1,150	10	.....	.....	.....
5	A. & O.	.....	.....	.....	.....	.....	.....
5	J. & J.	50,000	.....	.....	.....	.....	.....
6	M. & S.	100,000	.....	.....	.....	.....	.....
..	.....	11,745	.....	.....	.....	.....	.....
4	J. & J.	320,000	12,800	4	.....	.....	.....
..	.....	20,000	.....	.....	.....	.....	.....

TABLE

Showing for Each of the Water Corporations Named Therein Various Statistics Relating to
Shown in This Report Indicate as Follows:

Title of Corporation.	Supply System.			
	Reservoirs, Number.	Capacity in Gallons.	Wells, Number.	Drainage Area, Sq. Miles.
	1	2		
1. Annapolis Water Co.....	4			
2. Baltimore County Water & Elec. Co...	2			
3. Bel Air Water & Light Co.....	2			
4. Boonsboro Water Co.....	1			
5. Brooklyn & Curtis Bay Water Co.....	1			
6. Cambridge Water Co.....	1			
7. Emmitsburg Water Co.....	2			
8. Frostburg Water Co.....	1			
9. Lonsaconing Water Co.....	2			
10. Maryland Water Co. of Cecil Co.....	1			
11. Mechanicstown Water Co.....	1			
12. Midland Elklick Water Co.....	1	2,000,000		
13. Mountain Lake Water & Light Co.....	4	6,400,000		
14. Mt. Washington Water Works Co.....	*	*		
15. Perryville Water Co.....	1	3,000,000		
16. Port Deposit Water Co.....	1	200,000		
17. Roland Park Co.....	4	473,000		
18. Salisbury Water Co.....	1	88,500		
19. Suburban Water Co.....	3	170,000		
20. Union Bridge Water Co.....	1	425,000		
21. Washington County Water Co.....	3	130,000,000		
22. Walkersville Water Co.....	*	*		

Title of Corporation.	Pumping Syste			
	Water Wheels, Number.	Rated H. P.	Coal Used, Tons.	Wood Used, Cords.
	12	13	14	15
1. Annapolis Water Co.....	0	0	304	0
2. Baltimore County Water & Elec. Co...	2	450	7,274	0
3. Bel Air Water & Light Co.....	0	0	54	0
4. Boonsboro Water Co.....	0	0	0	0
5. Brooklyn & Curtis Bay Water Co.....	0	0	110	0
6. Cambridge Water Co.....	*	*	*	*
7. Emmitsburg Water Co.....	0	0	0	0
8. Frostburg Water Co.....	0	0	0	0
9. Lonsaconing Water Co.....	0	0	0	0
10. Maryland Water Co. of Cecil Co.....	0	0	20	0
11. Mechanicstown Water Co.....	0	0	0	0
12. Midland Elklick Water Co.....	0	0	0	0
13. Mountain Lake Water & Light Co.....	0	0	0	0
14. Mt. Washington Water Works Co.....	*	*	*	*
15. Perryville Water Co.....	0	0	0	0
16. Port Deposit Water Co.....	0	0	0	0
17. Roland Park Co.....	0	0	310	0
18. Salisbury Water Co.....	0	0	0	0
19. Suburban Water Co.....	0	0	0	0
20. Union Bridge Water Co.....	0	0	0	0
21. Washington County Water Co.....	0	0	0	0
22. Walkersville Water Co.....	*	*	*	*

No. 38.

the Supply and Service of the Same, for the Year Ended June 30, 1911. The Characters 0—none; *—absence of Required Figures.

Purification System Used.	Pumping System.					
	Pumps, Number.	Rated Capacity, Gallons.	Boiler, Number.	Rated H. P.	Steam Engines, Number.	Rated H. P.
	6	7	8	9	10	11
0	2	5,000,000	2	175	0	0
Chemical	4	15,000,000	5	750	1	200
0	1	40,000	1	*	0	0
0	0	0	0	0	0	0
0	4	1,000,000	2	150	2	*
*	2	1,700,000	*	*	*	*
0	0	0	0	0	0	0
0	0	0	0	0	0	0
0	0	0	0	0	0	0
Filtration	2	1,000,000	1	40	1	30
*	0	0	0	0	0	0
0	0	0	0	0	0	0
0	0	0	0	0	0	0
0	0	0	0	0	0	0
Chemical	0	0	0	0	0	0
*	0	0	0	0	0	0
0	4	769,000	1	100	1	30
0	2	*	2	*	2	*
0	4	360,000	0	0	0	0
0	1	120,000	0	0	0	0
*	6	4,000,000	2	180	4	60
*	*	*	*	*	*	*

Distribution System.

Mains, Sizes in Inches.	Mains, Length in Miles.	Main Pipe Valves, Number.	Fire Hydrants, Number.	Services, Number.	Meters, Number.	Fountains and Troughs, Number.
16	17	18	19	20	21	22
4 to 16	18	05	55	1,916	54	1
¾ to 20	119	533	284	7,442	2,238	1
8 to 12	8½	40	47	399	47	1
2 to 8	2	28	20	80	0	0
4 to 8	3	*	36	0	12	0
*	*	*	*	*	*	*
2 to 6	2½	0	16	*	0	5
2 to 8	3	16	1	165	0	0
4 to 12	8	50	34	600	3	0
4 to 10	*	49	50	280	3	1
4 to 6	3	*	23	*	1	*
4 to 10	5½	16	10	338	2	0
2 to 6	7	6	2	210	0	0
*	*	*	*	*	*	*
4 to 12	4	5	11	175	2	0
4 to 8	2	5	16	*	0	1
2 to 10	13	180	85	748	736	0
1 to 8	7	73	36	807	0	0
2½ to 8	10½	156	13	780	470	0
4 to 8	2	20	21	120	2	0
4 to 20	45	152	110	3,600	3,200	0
*	*	*	*	*	*	*

TABLE
SHOWING FOR EACH OF THE TELEPHONE AND TELEGRAPH CORPORATIONS NAMED
THE SURPLUS ON JUNE 30, 1911, AND THE

Title of Corporation	Totals.	
	Total Assets June 30, 1911.	Increase Over Preceding Year.
	1	2
1. Chesapeake and Potomac Telephone Co.....	\$17,407,900	992,150
2. Cecil Farmers Telephone Co.....	21,270	3,492
3. Cumberland Valley Telephone Co.....	353,231	2,094
4. Diamond State Telephone Co.....	1,347,791	82,332
5. Farmers and Merchants Telephone Co.....	53,757	10,130
6. Garrett County Telephone Co.....	25,054	.....
7. Maryland Telephone Co.....	2,652,047	35,000
8. Maryland and Delaware Telephone Co.....	13,551	437
9. Princess Anne Telephone Co.....	3,605	251
10. Pocomoke Telephone Co.....	80,757	1,333
11. Poolesville Telephone Co.....	6,151	.....
12. Postal Telegraph-Cable Co.....	372,662	145,219
13. South Dorchester Telephone Co.....	3,520	.....
14. Union Telephone Co.....	7,684	.....
15. Western Maryland Telephone Co.....	295,986	2,335

Title of Corporation.	Details of Assets—Continued.		
	Sinking Funds.	Special Deposits and Pre-payments.	Sundries.
	12	13	14
1. Chesapeake and Potomac Telephone Co.....	\$ 65,987	\$ 87,442	.....
2. Cecil Farmers Telephone Co.....
3. Cumberland Valley Telephone Co.....	1,983	.....
4. Diamond State Telephone Co.....
5. Farmers and Merchants Telephone Co.....
6. Garrett County Telephone Co.....
7. Maryland Telephone Company.....	9,810	.....
8. Maryland and Delaware Telephone Co.....
9. Princess Anne Telephone Co.....
10. Pocomoke Telephone Co.....
11. Poolesville Telephone Co.....	300	.....	.....
12. Postal Telegraph-Cable Co.....
13. South Dorchester Telephone Co.....
14. Union Telephone Co.....
15. Western Maryland Telephone Co.....

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 40.

THEREIN, THE TOTAL AMOUNT OF ASSETS, THE TOTAL AMOUNT OF LIABILITIES, AND DETAILS OF SUCH ASSETS AND OTHER LIABILITIES.

Totals.				Details of Assets.				
Total Liabilities June 30, 1911.	Increase Over Preceding Year.	Surplus June 30, 1911.	Increase Over Preceding Year.	Cost of Plant.	Cash.	Bills and Accounts Receivable.	Materials and Supplies.	Investments.
3	4	5	6	7	8	9	10	11
\$16,664,067	\$ 942,800	\$ 743,833	\$ 49,849	\$14,408,571	\$ 491,655	\$ 1,107,804	\$ 124,888	\$ 1,121,600
19,560	2,890	1,710	602	19,845	46	984	444	.....
406,897	3,546	53,165	5,631	848,122	100	276	782	4,000
1,523,148	95,837	176,157	13,505	1,165,153	13,126	72,146	15,882	80,000
50,504	9,765	3,253	365	43,433	276	8,368	1,475	203
18,318	.....	6,736	.....	19,128	733	5,192	.....	.....
2,773,542	44,159	121,494	79,780	2,556,105	9,085	4,431	72,615	.....
13,517	437	33	33	13,551	.....	.....	.....	.....
1,240	172	2,364	78	3,280	59	171	98	.....
88,947	3,343	3,190	3,010	79,916	441	199	200	.....
4,300	.....	1,851	.....	5,000	350	476	25	.....
333,096	121,086	39,566	24,124	50,000	22,938	299,723	.....	.....
3,420	.....	100	.....	3,420	.....	.....	100	.....
7,353	.....	831	.....	5,383	1,009	1,086	205	.....
280,600	3,125	15,386	5,513	274,863	13,077	6,795	600	650

Details of Liabilities.								
Capital Stock.	Funded Debt.	Interest on Funded and Other Debt.	Taxes Accrued.	Bills and Accounts Payable.	Subscribers' Deposits.	Dividends Payable.	Sinking Fund and Optional Reserve.	Reserve for Depreciation.
15	16	17	18	19	20	21	22	23
\$ 1,300,000	\$ 1,291,000	.....	\$ 45,453	\$ 449,871	\$ 821	\$ 325,000	\$ 35,463	\$ 1,516,452
13,450	.....	.....	.....	2,374	.....	.....	.....	3,735
133,750	.....	.....	1,353	266,000	241	.....	52	.....
201,000	500,000	.....	4,696	837,238	90	.....	1,563	.....
30,840	.....	.....	450	12,452	.....	1,162	.....	5,599
16,000	800	.....	82	1,435	.....	.....	.....	.....
1,000,000	1,000,000	2,975	3,080	762,427	.....	.....	3,236	1,811
11,120	.....	.....	.....	2,397	.....	.....	.....	.....
1,000	.....	.....	17	103	.....	.....	.....	120
43,900	26,374	975	1,494	16,203	.....	.....	.....	.....
4,000	.....	.....	.....	.....	.....	.....	.....	300
50,000	.....	.....	.....	233,096	.....	.....	.....	.....
3,420	.....	.....	66	.....	.....	.....	.....	.....
6,500	.....	.....	.....	87	.....	699	.....	.....
100,000	165,000	600	.....	.....	.....	.....	15,000	.....

TABLE

Showing for Each of the Telephone and Telegraph Corporations Named Therein the Gross Income from All Sources, Operations of the Year

Title of Corporation.	Total.		
	Gross Income from all Sources.	Deduction from Gross Income.	Net Income.
	1	2	3
1. Chesapeake and Potomac Telephone Co.....	\$4,047,285	\$2,067,966	\$1,979,319
2. Cecil Farmers Telephone Co.....	4,789	3,121	1,667
3. Cumberland Valley Telephone Co.....	12,716	15,115	2,398
4. Diamond State Telephone Co.....	198,085	211,591	12,503
5. Farmers and Merchants Telephone Co.....	34,850	26,831	7,519
6. Garrett County Telephone Co.....	5,707	4,174	1,533
7. Maryland Telephone Co.....	98,834	178,115	79,279
8. Maryland and Delaware Telephone Co.....	1,323	512	811
9. Princess Anne Telephone Co.....	1,969	921	1,048
10. Pocomoke Telephone Co.....	11,106	10,465	641
11. Poolesville Telephone Co.....	1,532	1,098	433
12. Postal Telegraph and Cable Co.....	1,233,503	1,211,467	22,036
13. South Dorchester Telephone Co.....	614	553	61
14. Union Telephone Co.....	1,710	1,076	634
15. Western Maryland Telephone Co.....	53,264	34,077	19,187

Title of Corporation.	Deduction From Gross Income.		
	General Expense.	Taxes.	Uncollectible Bills.
	11	12	13
1. Chesapeake and Potomac Telephone Co.....	\$290,221	\$294,868	\$34,146
2. Cecil Farmers Telephone Co.....	492	153	13
3. Cumberland Valley Telephone Co.....	593	1,800	.....
4. Diamond State Telephone Co.....	15,657	11,419	1,076
5. Farmers and Merchants Telephone Co.....	5,683	1,123	632
6. Garrett County Telephone Co.....	4,174	.....	.....
7. Maryland Telephone Co.....	33,401	20,159	1,152
8. Maryland and Delaware Telephone Co.....	518	.....	.....
9. Princess Anne Telephone Co.....	330	34	22
10. Pocomoke Telephone Co.....	1,022	1,849	.....
11. Poolesville Telephone Co.....	.....	22	.....
12. Postal Telegraph and Cable Co.....	131,969	34,555	3,163
13. South Dorchester Telephone Co.....	.....	22	.....
14. Union Telephone Co.....	80	98	.....
15. Western Maryland Telephone Co.....	2,323	2,349	.....

NOTE—Deficit, loss and other reverse items in this table are printed in black type.

No. 41.

the Deductions from Gross Income, the Net Income, the Appropriations from Net Income, and the Surplus from the Ended June 30, 1911.

Total.		Revenue.		Deduction From Gross Income.		
Appropriations from Net Income.	Surplus.	Operating Revenue.	Non-Operating Revenue.	Traffic Expense.	Repairs.	Commercial Expense.
4	5	6	7	8	9	10
\$1,980,000	\$49,849	\$ 4,002,828	\$44,462	\$511,235	\$502,710	\$355,913
1,044	573	4,618	121	1,433	469	462
3,224	5,722	12,716	.....	8,432	4,289	.....
.....	13,505	198,085	.....	30,958	53,950	32,359
6,945	574	33,995	265	12,102	4,451	2,287
.....	3,533	5,707	.....	.....	.....	.....
.....	79,730	97,936	348	9,491	22,760	5,303
.....	811	1,323	.....	.....	404	.....
370	78	1,369	.....	350	133	.....
2,471	2,010	10,120	936	2,256	2,355	1,129
300	139	1,532	.....	650	420	.....
.....	22,036	1,217,770	15,733	345,432	187,950	8,336
.....	61	614	.....	230	250	.....
.....	634	1,710	.....	240	643	.....
17,729	1,453	53,264	.....	.....	.....	20,753

Deduction From Gross Income.			Appropriations From Net Income.			
Interest on Funded Debt.	Interest on Unfunded Debt.	Miscellaneous.	Depreciation of Plant.	Sinking Fund and Optional Reserves.	Dividends Payable.	Miscellaneous.
14	15	16	17	18	19	20
\$34,550	\$14,230	.....	\$1,020,000	\$910,000	.....	.....
97	1,044	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	\$3,324
22,903	43,262	.....	.....	.....	.....	.....
.....	332	.....	3,800	.....	\$3,145	.....
50,000	35,347	.....	.....	.....	.....	.....
.....
945	1,033	.....	120	.....	250	.....
.....	.....	.....	2,471	.....	.....	.....
.....	.....	.....	300	.....	.....	.....
.....
.....	.....	8	.....	.....	.....	.....
8,650	.....	.....	13,729	.....	4,000	.....

TABLE NO. 42.

Showing for each of the Telephone and Telegraph Corporations named therein. The Total Funded Debt and Capital Stock outstanding on June 30, 1911, (exclusive of such Funded Debt and Capital Stock as are held by the issuing Corporation); the rate per cent. and dates of payment of interest on Funded Debt, and the rate per cent. and amount of Dividends paid on Capital Stock.

	Title of Corporation.	Funded Debt.				Interest.		Capital Stock.		
		Description.	Date.	Term of Years.	Amount Out- standing.	Rate Per Cent.	Dates Payable.	Amount Out- standing.	Dividends Paid During Year.	Rate Per Cent.
1.		1	2	3	4	5	6	7	8	9
2.	Co.,	Consols.	1898	20	\$1,291,000	6	J. & J.	\$12,000,000	\$980,000	7
3.								12,450		
4.		1st Mortgage.	1905	25	495,000	5	J. & J.	188,750		
5.		1st Mortgage.	1900	30	5,000	5	J. & J.	201,000		
6.	Co.,	Real Estate.			200			30,840	2,025	7
7.		1st Mortgage.	1899	30	1,000,000	5	J. & J.	1,000,000		
8.	and Telegraph Co.							11,120		
9.		1st Mortgage.			22,500	6	J. & J.	1,000	250	25
10.								43,200		
11.								4,000		
12.								50,000		
13.								8,420		
14.		1st Mortgage.			125,000	5	J. & J.	6,500		
15.		2nd Mortgage.			40,000	5	A. & O.	100,000	4,000	4

TABLE

Showing for each of the Telephone and Telegraph Corporations named therein, various operating statistics of required

Title of Corporation.	Stations.		
	Exchange Stations.	Private Branch Stations.	Extension Sets Owned.
	1	2	3
1. Chesapeake and Potomac Telephone Company.....	66,998	24,461	12,616
2. Cecil Farmers Telephone Company.....	1	0	5
3. Cumberland Valley Telephone Company.....	644	5	.
4. Diamond State Telephone Company.....	4,488	30	369
5. Farmers and Merchants Telephone Company.....	1,396	0	.
6. Garrett County Telephone Company.....	18	0	0
7. Maryland Telephone Company.....	677	208	278
8. Maryland and Delaware Telephone Company.....	0	0	0
9. Princess Anne Telephone Company.....	89	.	3
10. Pocomoke Telephone Company.....	350	0	25
11. Poolesville Telephone Company.....	1	0	0
12. South Dorchester Telephone Company.....	1	.	.
14. Union Telephone Company.....	111	.	.
15. Western Maryland Telephone Company.....	.	.	.

Title of Corporation.	Plant	
	Miles of Underground Wire.	
	Exchange.	Toll.
	13	14
1. Chesapeake and Potomac Telephone Company.....	198,764	19
2. Cecil Farmers Telephone Company.....	.	.
3. Cumberland Valley Telephone Company.....	.	.
4. Diamond State Telephone Company.....	597	0
5. Farmers and Merchants Telephone Company.....	0	0
6. Garrett County Telephone Company.....	0	0
7. Maryland Telephone Company.....	7,582	21
8. Maryland and Delaware Telephone Company.....	0	0
9. Princess Anne Telephone Company.....	0	0
10. Pocomoke Telephone Company.....	8	0
11. Poolesville Telephone Company.....	0	0
12. South Dorchester Telephone Company.....	0	0
14. Union Telephone Company.....	.	.
15. Western Maryland Telephone Company.....	.	.

No. 43.

for the year ended June 30, 1911. The characters shown in this table indicate as follows: 0—none, *—absence figures.

Stations.					Plant Mileage.			
Total Owned.	Service Stations.	Private Line Stations.	Connected Stations.	Total all Stations.	Miles of Poles.		Miles of Aerial Wire.	
					Exchange.	Toll.	Exchange.	Toll.
4	5	6	7	8	9	10	11	12
104,070	1,560	1,870	1,787	109,237	2,192	959	19,988	9,955
6	10	51	244	311	73	0	300	0
649	*	*	*	649	17	77	452	256
4,872	870	152	2,566	8,480	568	779	4,998	6,051
1,396	*	*	*	1,396	195	0	463	0
18	0	0	0	18	394	0	0	0
1,153	0	111	0	1,269	92	133	2,633	1,502
0	14	0	0	14	56	0	105	0
92	118	*	*	210	21	0	70	0
375	0	27	*	402	15	125	566	430
1	0	0	104	105	40	0	63	0
*	*	*	47	48	36	0	36	0
111	*	*	*	111	58	*	229	*
*	*	*	*	3,091	68	*	600	*

Mileage.		Number of Exchanges.						
Miles of Submarine Cable.		Having Over 5,000 Stations.	Having From 1,000 to 5,000.	Having From 500 to 1,000.	Having From 300 to 500.	Having From 100 to 300.	Having Less than 100.	Total.
Exchange.	Toll.	17	18	19	20	21	22	23
15	16							
116	161	2	4	8	6	26	22	68
*	*	0	0	0	0	1	0	1
*	*	0	0	1	0	0	3	4
15	49	0	0	3	3	10	10	26
0	0	0	0	0	1	3	10	14
0	0	0	0	0	0	1	17	18
2	1	0	1	0	0	0	0	1
0	0	0	0	0	0	0	0	0
†	0	0	0	0	0	0	1	1
0	†	0	0	0	0	2	1	3
0	0	0	0	0	0	1	0	1
200 ft.	0	0	0	0	0	0	1	1
*	*	0	0	0	0	1	0	1
14	*	0	1	0	1	1	1	4

TABLE

Showing for each of the Corporations named therein the amount of Assets, the amount of Liabilities and the surplus
Dividends paid

Title of Corporation.	Total.			Details of Assets.
	Total Amount of Assets.	Total Amount of Liability.	Surplus.	Real Estate.
	1	2	3	4
1. Adams Express Co.....	\$ 54,551,953	\$ 23,610,534	\$ 25,941,419	\$ 5,422,822
2. United States Express Co.....	14,582,573	12,997,377	1,585,196	2,049,714
3. Gaithers City and Suburban Express Co.....				
4. Pullman Co.....	141,198,141	139,532,844	1,630,797	23,412,561
5. Baltimore and Philadelphia Steamboat Co.....				325,500
6. Chesapeake Lighterage and Towing Co.....				
7. Chester River Steamboat Co.....				
8. Queenstown, Love Point Trans. and Development Co.....				
9. Rock Creek Steamboat Co.....				
10. Tolchester Beach Improvement Co.....				112,515
11. Weems Steamboat Co.....				
12. Howard Automobile and Transportation Co.....				
13. Baltimore Refrigerating and Heating Co.....				

Title of Corporation.	Details of Liabilities.
	Capital Stock.
	13
1. Adams Express Co.....	
2. United States Express Co.....	\$ 10,000,000
3. Gaithers City and Suburban Express Co.....	50,000
4. Pullman Co.....	120,000,000
5. Baltimore and Philadelphia Steamboat Co.....	281,400
6. Chesapeake Lighterage and Towing Co.....	30,000
7. Chester River Steamboat Co.....	100,000
8. Queenstown, Love Point Transportation and Development Co.....	106,250
9. Rock Creek Steamboat Co.....	10,000
10. Tolchester Beach Improvement Co.....	253,000
11. Weems Steamboat Co.....	600,000
12. Howard Automobile and Transportation Co.....	1,180
13. Baltimore Refrigerating and Heating Co.....	751,300

APPENDIX VI.

REPORT OF THE CHIEF ENGINEER OF THE COMMISSION ON THE MATTER OF THE PROPOSED RATES OF THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

To the Public Service Commission:

I have the honor to transmit my report upon the different phases of the new schedule of rates and proposition of the Chesapeake and Potomac Telephone Company that occur to me to be the controlling factors in reaching a determination of their reasonableness.

If it were a question merely as to whether the proposition was advantageous from the point of view both of the great mass of telephone users and the company, and as to whether it would result in benefiting the industry in Baltimore I would unhesitatingly answer in the affirmative, based upon the investigation I have so far been able to make of the many intricate and complicated combinations peculiar to the telephone business. Beyond this, please accept it as dealing with averages and in view of the fact that a determination of exactly what effect the new schedule and abolition of unlimited service would have upon the earnings of the telephone company would require a more detailed inquiry and a greater subdivision of classification.

So far as the report goes I believe the figures given for the four principal classes of service to be fairly representative, and that the deduction of loss from present flat rate service is approximately correct, and that the conclusions are justified by the facts.

Respectfully submitted,

CHAS. E. PHELPS, JR.,

Chief Engineer.

To the Public Service Commission:

The point involved in this case is the proposed new schedule of rates by the Chesapeake and Potomac Telephone Company, coupled with the abolition of the existing flat rate (unlimited) service of \$78.00 per annum for a grounded line, and \$125.00 per annum for metallic line, together with the extension telephones for such unlimited service at \$24.00 per year.

PRESENT AND PROPOSED RATES.

Chart (A), submitted herewith, shows graphically the relation of the present and proposed rate schedules after all telephone service is put upon a measured rate basis; table No. 1, following, gives the details of these schedules upon which chart (A) is based. Comparing the proposed with the present rates according to schedule (A) for business service it will be seen that the percentage of reduction in the rate is from 12½ per cent. for the least used class of service down to 4½ per cent. reduction on stations using 3,000 messages per annum; from which point the per cent. reduction increases throughout the extent of the schedule until, for a station averaging 5,400 messages per annum, the reduction from the present schedule amounts to 14½ per cent. The proposed schedule (B), which covers a new message rate plan, is a reduction over the present schedule (A) for stations using 1,800 messages per annum and over. Compared like with like to the present schedule (A) the reduction amounts to 22 per cent. for a station using 1,800 messages per annum to 28 per cent. for one using 5,400. For a two-party business line station the cost remains as at present.

For residence service the present schedule (A) is retained, for the direct line flat rate (unlimited) service at \$48.00 per annum. The rate under schedule (B) for party line based on 600 messages it is proposed to abolish, and in its place is offered a reduced rate for the class of service using 360 messages per annum, which is to be reduced from \$30.00 to \$24.00 per annum, or a reduction of 20 per cent.

RELATIVE CAPITAL COST FOR DIFFERENT CLASSES OF SERVICE.

In determining the relative share of the operating costs borne by each class of service certain data have been compiled of the operation of the Chesapeake and Potomac Telephone Company in response to the requests of the Commission. The computations upon which the following result was obtained assumes that, unlike the supply of electricity, gas and water where any excessive demand upon the part of the consumer taxes the distributing facilities, but where these facilities are ample to take care of the maximum demand such excessive use does not affect the use of the product by any other consumer, on the other hand in the telephone service condition is entirely different, in that an excessive demand by some particular subscriber means that it not only taxes the distributing facilities of the company but likewise prevents the use of the other subscribers' equipment to which it is connected, and during which time it is not available for use by any other subscriber. Therefore it is obvious that the fixed cost in the case of a telephone station is not a constant quantity but depends to a certain extent upon its use, whether excessive or not.

For this reason it is taken that the best evidence of the actual costs of the different classes of service depends upon the total demand; that is to say, both the number of calls and the time consumed; and assuming that the company's force of operators is so distributed that they are about equally employed in handling the service the number of lines which each operator can handle is the best index of the actual demand. The details of calculation are appended hereto, the results of which are appended in the following summary.

The classification of service is:

Flat Rate Unlimited Business, identified by	(A)
Flat Rate Residence,	" " (B)
Direct Line Measured Rate,	" " (C)
Party Line Measured Rate,	" " (D)

The calculations as to capital cost are based upon itemized figures of the book value of the plant as submitted to the

Commission by the company; likewise the operating cost is figured from the statement of operating expenses, and fixed charges, including depreciation, of the company submitted to the Commission as of and for the year ended June 30, 1910.

The profit has been figured at 6½ per cent. on the book value of the property, which is the same figure shown by the company's statement as having been earned.

The first calculation was made on the cost per each line, instead of per station, in order to make the calculation uniform in figuring the profit, and from additional data supplied by the company these costs were reduced to the capital cost and operating cost per main station; that is, per main telephone without extensions.

It is not believed that in any event the question of fixed and variable costs would enter into either the calculation for capital cost or for operating expenses for the reason that the average length of line of flat rate service is one mile, and for measured rate service is 1.025 miles, which are so nearly identical that the distance factor does not enter.

SUMMARY.

COSTS PER LINE.

Class Service.	Lines Handled per Operator.	Capital Cost, Bk. Value.	Operating Cost		Total.
			Operation and Depreciation.	Profit at 6½%.	
Flat Rate Business..	44	602.93	121.26	39.20	160.46
Flat Rate Residence.	143	185.43	37.29	12.05	49.34
D. L. Measured Rate	115	229.80	46.22	14.94	61.16
P. L. Measured Rate	226	119.45	24.02	7.76	31.78

COSTS PER MAIN STATION.

(A)	44	583.00	157.26
(B)	143	178.00	47.78
(C)	115	202.00	55.33
(D)	226	61.00	15.93

PER CENT. MAIN STATION OF EACH CLASS.

(A)	3.2%
(B)	25.8%
(C)	21.7%
(D)	49.3%

NUMBER OF LINES, MAIN STATIONS AND EXTENSIONS.

	Number Lines.	Number Main Stations.	Total Extensions.	Total Stations.
(A)	844	844	674	1,518
(B)	6,784	6,784	2,609	9,393
(C)	5,705	5,705	8,404	14,109
(D)	6,597	12,596	384	13,340
Totals.....	19,930	26,289	12,071	38,360

Excess demand Flat Rate over Direct Line Measured Rate..	1.65 times.
Excess demand Flat Rate over Party Measured Rate.....	2.05 times.
Loss per Flat Rate Message.....	0.49¢
Share of Flat Rate loss carried by Direct Line Measured Rate based upon excess demand.....	44.7%
Share of Flat Rate loss carried by Party Line Measured Rate based upon excess demand.....	55.3%

Total loss from Flat Rate operation:

(a) Based upon loss per message.....	\$36,300
(b) Based upon cost and revenue per station.....	38,900

At the request of the Commission the telephone company submitted an itemized statement of the calling rate per station for different classes of service in each exchange district in the city. These data have been used to check the data of lines handled per operator, upon which the calculations are based; this check will be found on page 5 of the calculations, which shows that the two figures are within 6 per cent. of being alike, which may be accepted as confirmatory, inasmuch as the calling rate is taken as the average of four months.

Assuming all operators to be properly distributed and taking the St. Paul exchange district as the basis for comparison there is an apparent excess use of flat rate lines of 65 per cent. more than there would be on measured rate line service; both of these classes of service in the St. Paul exchange district may be taken as almost exclusively for business use. From the schedule furnished by the company in October, 1910, the average annual calls for flat rate lines were 8,790, including private branches; with these flat rate telephones used as the average direct message rate business line on the St. Paul exchange is used the average calls would be reduced to 5,330. In like manner the excess use of the flat rate lines over the party message rate line is shown to be 2.05 times.

COSTS AND REVENUE PER MESSAGE PER FLAT RATE LINE.

Referring to page 6 in the calculations there is tabulated a cost per message per main station and the revenue received per message for both flat rate business and residence lines showing a loss per message on a flat rate station of 0.49¢, while it will be noticed that for a flat rate residence service the revenue per station is almost identically equal to the cost per station.

The loss from flat rate service when divided according to the relative demands shows apparently that the direct line message rate telephone is called to carry 44.7 per cent. of this loss, while the party line message rate station is called upon to carry 55.3 per cent.

The aggregate total loss to flat rate service is shown in two ways on page 7. (A), based on deduced loss per message on the total number of flat rate messages, amounting to a total sum of \$36,300 per annum, and (B), based on the cost of operating a flat rate station less the revenue received, neglecting extension telephones, amounting to \$38,900.

CONCLUSIONS.

1. The conclusion is inevitable that flat rate, or unlimited, telephone service is unalterably in opposition to a proper and equitable scaling of telephone rates, inasmuch as there is no check upon its abuse by an excessive demand not caused by real necessity for telephone service, but just because it "costs nothing" more to overload the service than to use it normally. This is indisputably shown by the comparison of density of demand by flat rate and D. M. R. telephones on the same exchange (St. Paul) where practically all the telephones on direct lines are on business service. This excess in demand, amounting to 65 per cent. as an average, certainly is not due to the exigencies of legitimate business demand, and this 65 per cent. excess demand is not only that use of the particular flat rate line where it originates but affects also telephones in other classes with which it happens to be connected.

2. The loss of between \$36,300 and \$38,900 per annum for maintaining the present flat rate service is being carried by

the subscribers in other classes, amounting to an average of 55.3 per cent. with party line stations; there is no justice in this discrimination, especially as it falls upon the least used class of telephones. The cheaper telephone service becomes, when based upon a proper scaling of rates, the more telephones there will be and the greater the value of the service to the individual subscriber. With a preferred class of subscribers, those in other classes are called upon both to pay more for it, and receive a less expanding service.

3. Without being in a position to say just what the reduction in rates as proposed would total, it is apparent from an inspection of the per cent. reduction, Chart B, that it will be very considerably in excess of the amount now lost in flat rate service, taking into account what increased revenue may be expected from changing the rating; and that while extremely favorable but discriminatory rates would be denied to 3.2 per cent. of the total number of telephone stations in Baltimore, the remaining 96.8 per cent. would receive a reduction equally pro rata in each particular class.

RECOMMENDATIONS.

A. In view of the fact that the figures used in this report are those submitted by the telephone company, and without reflecting in any way upon their accuracy, it is respectfully recommended that the figures for operating revenue and expenses, fixed charges, depreciation, etc., be certified by the Commission's accountant; the figures as to the use of telephones in different classes were taken at different times and from different directions and as they check to within 6 per cent. there can be no hesitation in accepting them as representative.

B. Because of the great importance of this inquiry it is respectfully recommended that the Commission have the data and conclusions submitted with the report reviewed by a recognized authority upon such questions.

Respectfully submitted,

CHAS. E. PHELPS, JR.,

Chief Engineer.

Schedule		Schedule B.	
Line Message		Line Message Rate.	
Proposed.			
Annual Rate.	Per Message.	Reduction.	Per Cent.
Annual Rate.	Per Message.	Reduction.	Per Cent.
400.....	\$ 48		
500.....	51		
600.....	54		
700.....	57		
800.....	60		
900.....	63		
1000.....	66		
1100.....	69		
1200.....	72		
1300.....	75		
1400.....	78		
1500.....	81		
1600.....	84		
1700.....	87		
1800.....	90		
1900.....	93		
2000.....	96		
2100.....	99		
2200.....	102		
2300.....	105		
2400.....	108		
2500.....	111		
2600.....	114		
2700.....	117		
2800.....	120		
2900.....	123		
3000.....	126		
3100.....	129		
3200.....	132		
3300.....	135		
3400.....	138		
3500.....	141		
3600.....	144		
3700.....	147		
3800.....	150		
3900.....	153		
4000.....	156		
4100.....	159		
4200.....	162		
4300.....	165		
4400.....	168		
4500.....	171		
4600.....	174		
4700.....	177		
4800.....	180		
4900.....	183		
5000.....	186		
5100.....	189		
5200.....	192		
5300.....	195		
5400.....	198		
Net Average.....	3.88		
Net Average.....	3.88		

Schedule A.—At the end of each contract year accounts are adjusted so as to make the charges cover the actual number of messages sent.

Schedule B.—This schedule covers a new plan designed to meet the requirements of those who, knowing their usage, will warrant it, waive their rights to refunds for unused messages.

APPENDIX.

Accompanying Report No. 49.

- 1—CALCULATION of capital cost and operating expense, showing loss from operation of flat rate service.
- 2—CHART A, showing relation of proposed to "present" schedule A in cents per message for varying amounts of demand. Also "proposed" schedule B with "present" schedule A for large users that guarantee a certain annual use.
- 3—CHART B, showing per cent. reduction in rates of "proposed" schedules A and B over "present" schedule B.
- 4—CHART C, showing relative number of messages per station per day for flat rate and message rate stations in the different exchange districts in Baltimore City.
- 5—CHART D, showing relative number of telephones in each class of service in Baltimore City.

Memo. of a calculation, showing the distribution of capital cost and operating expense among the several principal classes of service supplies by the C. & P. Telephone Co. in Baltimore City.

TOTAL CAPITAL INVESTMENT PER LINE.

One operator handles on Flat Rate Business.....	44 lines.
One operator handles on Flat Rate Residence.....	143 "
One operator handles on Measured Rate Direct Line.....	115 "
One operator handles on Measured Rate Party Line.....	226 "
	528 "

(A)	$\frac{1}{44} = .02273 = 53.0\%$	for F. R. Business.
(B)	$\frac{1}{143} = .00700 = 16.3\%$	for F. R. Residence.
(C)	$\frac{1}{115} = .00870 = 20.2\%$	for M. R. Direct Line.
(D)	$\frac{1}{226} = .00443 = 10.5\%$	for M. R. Party Line.
	.04286	100.0%

The average capital cost per line for 19,930 lines is \$284.40.

25%	=	\$284.40
100%	=	1,137.60
53%	x 1137.60 equals	\$602.93 (A)
16.3%	x 1137.60	" 185.43 (B)
20.2%	x 1137.60	" 229.80 (C)
10.5%	x 1137.60	" 119.45 (D)
		<hr/>
		4) \$1,137.60
		<hr/>
		\$284.40

The above figures show the relative capital cost per each kind of line based on the operating demand on plant and equipment; not taking into account the lengths of line which averaged 1.0 mile for flat rate and 1.025 miles for measured rate.

TOTAL ANNUAL EXPENSE PER LINE.

Total Operating Expenses and Depreciation, \$1,139,837.38.
Per Line, \$57.20.

25%	=	\$57.20.
100%	=	228.80.
53%	x 228.80 equals	\$121.26 (A)
16.3%	x 228.80	" 37.29 (B)
20.2%	x 228.80	" 46.22 (C)
10.5%	x 228.80	" 24.02 (D)
		<hr/>
		4) \$228.79
		<hr/>
		\$57.20

TOTAL COST PER LINE OF EACH CLASS.

Including Profit of 6½%, as Shown by Company's Statement on Company's Valuation.

6½%	on \$602.93 =	\$39.20	plus	\$121.26 =	\$160.46 (A)
6½%	on 185.43 =	12.05	plus	37.29 =	49.34 (B)
6½%	on 229.80 =	14.94	plus	46.22 =	61.16 (C)
6½%	on 119.45 =	7.76	plus	24.02 =	31.78 (D)
					<hr/>
					4) \$302.74
					<hr/>
					\$75.68

Gross cost to subscribers.....	\$1,597,550.56
Per line.....	75.64

The above figures do not take into account any distribution of maintenance charges between flat and message rate lines.

LOSS OF REVENUE FROM FLAT RATE SERVICE.

Income—193 grounded lines, at \$78.....	\$15,054.00
651 metallic lines, at \$125.....	81,375.00
674 extensions, at \$24.....	16,176.00
	<hr/>
Total	\$112,605.00
Average per line.....	133.42
Cost of operating a Flat Rate line plus profit is.....	\$160.46
Revenue is.....	133.42
	<hr/>
Or a loss of, per line.....	\$27.04
And for 844 lines amounts to.....	22,821.76

LINES, MAIN STATIONS AND EXTENSIONS.

(A) Total Flat Rate Business Stations.....	1,518	
Total Flat Rate Business Lines.....	844	
	<hr/>	674
(B) Total Flat Rate Residence Stations.....	9,393	
Total Flat Rate Residence Lines.....	6,784	
	<hr/>	2,609
Total Flat Rate Lines.....	7,628	
For Business.....	844	
	<hr/>	
	6,784 lines.	
(C) Total Direct Line Stations.....	14,109	
Total Direct Lines.....	5,705	
	<hr/>	
Extensions		8,404
(D) Party Line Stations.....	13,340	
Extensions	384	
	<hr/>	12,956
Main Station Lines.....		6,597

CAPITAL COST PER MAIN STATION, INCLUDING INTEREST
AND DEPRECIATION.

Extensions Valued at \$18.68 per Book Values of Plant.

(A)	844 lines, at \$602.93.....	\$504,400.00
	674 extensions, at \$18.68.....	12,580.00
		<hr/>
	844 main stations.....	\$491,820.00
	Per main station, \$583.00.	
(B)	6,784 lines, at \$185.43.....	\$1,257,000.00
	2,609 extensions, at \$18.68.....	48,700.00
		<hr/>
	6,784 main stations.....	\$1,208,300.00
	Per main station, \$178.00.	
(C)	5,705 lines, at \$229.80.....	\$1,310,000.00
	8,404 extensions, at \$18.68.....	157,000.00
		<hr/>
	5,705 main stations.....	\$1,153,000.00
	Per main station, \$202.00.	
(D)	6,597 lines, at \$119.45.....	\$788,000.00
	384 extensions, at \$18.68.....	7,170.00
		<hr/>
	12,956 main stations.....	\$780,830.00
	Per main station, \$61.00.	

COST PER MAIN STATION.

SUMMARY.

(A)	Flat Rate Business.....	\$583.00
(B)	Flat Rate Residence.....	178.00
(C)	Direct Line Measured rate.....	202.00
(D)	Party Line Measured rate.....	61.00
Cost extension.....	\$18.68	Allowing profit..... 6%
Per Company.....	20	Allowing depreciation..... 6%
	<hr/>	Allowing maintenance..... 5%
	\$3.7360	<hr/>
Say \$4.00 per year.		Say 20%..... 17%

(A)	844 lines, at \$160.46.....	\$135,428.24
	674 extensions, at \$4.00.....	2,696.00
		<hr/>
	844 main stations.....	\$132,732.24
	Per main station, \$157.26.	
(B)	6,784 lines, at \$49.34.....	\$334,500.00
	2,609 extensions, at \$4.00.....	10,436.00
		<hr/>
	6,784 main stations.....	\$324,064.00
	Per main station, \$47.78.	
(C)	5,705 lines, at \$61.16.....	\$349,000.00
	8,404 extensions, at \$4.00.....	33,616.00
		<hr/>
	5,705 main stations.....	\$315,384.00
	Per main station, \$55.33.	
(D)	6,597 lines, at \$31.78.....	\$207,700.00
	384 extensions, at \$4.00.....	1,536.00
		<hr/>
	12,956 main stations.....	\$206,164.00
	Per main station, \$15.93.	

RATIO OF DIFFERENT CLASSES OF MAIN STATIONS.

- (A) constitutes 844 of total stations, or 3.20%.
- (B) constitutes 6,784 of total stations, or 25.8%.
- (C) constitutes 5,705 of total stations, or 21.7%.
- (D) constitutes 12,956 of total stations, or 49.3%.

26,289 total main stations.

Average time, use F. R. and M. R.
Taking St. Paul flat rate as business.
Walbrook “ “ residence.

FLAT RATE DAILY CALLS.

	St. Paul.	Walbrook.
November, 1910.....	25.30	8.25
December, 1910.....	26.85	8.56
January, 1911.....	24.80	7.58

February, 1911.....	25.80	9.11
	<u>4)102.75</u>	<u>4)33.50</u>
	25.70	8.38

Calls

$\frac{25.70}{8.38} = 3.07$

Lines

$\frac{143}{44} = 3.25$

} Within 6% of data of Oct., 1910.

NUMBER OF LINES PER OPERATOR.

(A)	44	
(B)	143	
(C)	115	
(D)	226	Average 158

Average flat rate calls, St. Paul.....	25.70
Average Measured rate calls, St. Paul.....	5.95

Ratio calls

$\frac{25.7}{5.95} = 4.32$

Ratio lines

$\frac{115}{44} = 2.62$

Flat rate uses equipment 4.32 times measured rate, but has 2.62 times more lines, or excess demand of 1.65 times.

EXCESS DEMAND OF FLAT RATE OVER PARTY MEASURED RATE.

Average Flat Rate calls, St. Paul.....	25.7
Average party calls, St. Paul.....	3.16
Mt. Vernon.....	2.28
Wolfe	1.98
	<u>3)7.42</u>
	2.47

Ratio calls

$\frac{25.7}{2.47} = 10.4$

Ratio lines

$\frac{226}{44} = 5.07$

Flat Rate uses equipment 10.4 times party line but has 5.07 times more lines, or an excess demand of 2.05 times.

COMPARATIVE COSTS AND REVENUE

Per Message

PER FLAT RATE MAIN STATION

BUSINESS AND RESIDENCE

Flat Rate.	Annual Cost Per		Average Messages Per Station Per Annum.	Cost Per Message.	Per Main Station.		Differ- ence.
	Line.	Station.			Revenue Per Station.	Revenue Per Message.	
Business	160.46	157.26	8970	1.79c.	114.30	1.30c.	*0.49c.
Residence	49.34	47.78	2615	1.83c.	48.00	1.84	0.01c.

*Loss.

EFFECT OF FLAT RATE LOSS ON MEASURED RATE

SERVICE.

Loss carried per message on D. M. R. and P. M. R.
Average of .49c. loss on flat rate call is equivalent to 1.65x.49,
which equals .81c. D. M. R. loss per message.
Party share of loss, 2.05x.49 equals 1c. per message.
That is, roughly, the D. M. R. has been carrying an average
of .81c. per message additional and party 1.00c. extra per mes-
sage to cover loss by flat rate operation.
This should be average reduction, not considering increased
revenue from changing flat rate to measured rate.

TOTAL LOSS FROM OPERATING FLAT RATE.

(a) Based on deduced cost per call.

Flat Rate business—7,412,500 calls an. @ .49c. loss..... \$36,300

(b) Based on deduced cost of operation per station.

193 gr. stations @ 78.....	\$15,054
651 met. stations @ 125.....	81,375
	<hr/>
Gross revenue.....	\$96,429
Per station.....	\$114.30
	<hr/>
Cost per station.....	\$160.46
Revenue per station.....	114.30
	<hr/>
	\$46.16
844 x \$46.16 equals	\$38,900.00

CHART A.

Showing relation of proposed to "present" schedule A in cents per message for varying amounts of demand. Also "proposed" schedule B with "present" schedule A for large users that guarantee a certain annual use.

CHART B.

Showing per cent. reduction in rates of "proposed" schedules
A and B over "present" schedule B.

CHART B.—In re. Case 38.

CHART C.

Showing relative number of messages per station per day for flat rate and message rate stations in the different exchange districts in Baltimore City.

CHART C.—In re. Case 38.

CHART D.

Showing relative number of telephones in each class of service in Baltimore City.

To Mr. James M. Ambler, Chairman.

DEAR SIR: In response to your desire to know the cost per call for the direct message rate and for party line message rate service I can give you this figure for both classes of message rate service taken together; the telephone company does not keep a record of all the classes of calls in all the several exchanges in Baltimore.

Taking the record for four months, from November, 1910, to February, 1911, inclusive, the average calls per annum for all the message rate stations were 1,314 per station; this being based on the average for four months of 4.38 calls per station per day, allowing 300 working days per year.

The average cost per station for all measured rate stations is as follows:

Direct Measured Rate Main Stations....	5,705 @ \$55.33	\$315,500
Party Measured Rate Main Stations.....	12,596 15.93	200,900
	<hr/> 18,301	<hr/> \$516,400
	Av. per M. S.	\$25.20
<hr/>		
\$25.20		
<hr/>		
1314		

= 1.92c. cost per call.

This gives the average cost per call per message rate station of 1.92c. as the average for both direct line and party line.

Respectfully,

CHAS. E. PHELPS, JR.,
Chief Engineer.

In the matter of
PROPOSED RATES
of the
CHESAPEAKE AND POTOMAC TELEPHONE
COMPANY.

Before the Public
Service Commis-
sion of Maryland.

No. 88.

REPORT

OF

D. C. & WM. B. JACKSON
ENGINEERS
BOSTON, MASS.

TO THE

PUBLIC SERVICE COMMISSION
OF MARYLAND

ON THE

Telephone Rates in the City
of Baltimore.

D. C. & Wm. B. JACKSON**ENGINEERS****CHICAGO****BOSTON****CONSULTING ENGINEERS FOR
ELECTRIC AND ALLIED PROPERTIES****DUGALD C. JACKSON, C. E.
WILLIAM B. JACKSON, M. E.**

**PLANS, SPECIFICATIONS, SUPERVISION
OF CONSTRUCTION, GENERAL
SUPERINTENDENCE AND MANAGEMENT
EXAMINATIONS AND REPORTS**

**WILLIAM J. CRUMPTON
GEORGE A. RODENBACH****HARRIS TRUST BUILDING, CHICAGO
84 STATE STREET, BOSTON****Boston, September 8, 1911.****THE PUBLIC SERVICE COMMISSION OF MARYLAND,
Baltimore, Md.**

GENTLEMEN: At the request and with the aid of Mr. Charles E. Phelps, Jr., your chief engineer, we have carefully investigated the telephone rate situation in the city of Baltimore, and respectfully make the following report:

1. GENERAL.

The city of Baltimore has a population, according to the last United States Census, of 558,485 people, and its area is approximately thirty square miles. It has approximately 29,000 main telephones, with some 14,000 extension and private branch exchange terminal telephones associated therewith. These telephone stations are served from eight central offices, respectively called St. Paul, Mt. Vernon, Madison, Wolfe, Gilmor, South, Walbrook and Garrison. By main telephones we mean all telephones except extension telephones and telephones connected with private branch exchanges. In the following analysis of the rates we use the numbers of telephones which are as of September 30, 1910, inasmuch as these are the data presented to the Commission by the company in connection with their argument referring to the proposed new rates, and used by Chief Engineer Phelps in his computations. The deductions which we reach, however, are equally applicable to the numbers of telephones as of the present date.

In the following statistics in respect to numbers of telephones connected to the various exchanges, we will use the

term "main stations" to represent the aggregate of the number of main telephones above defined, plus the number of trunk lines connecting private branch exchange switchboards with the central offices. The term, therefore, does not include extension telephones or the terminal telephones of private branch exchanges. The private branch exchanges are represented in the aggregate of main stations by considering each trunk line from the private branch exchange switchboard to a central office as the representative of a main telephone.

The St. Paul central office serves approximately 5,600 main stations, and is located on Light street, near Baltimore street, in the heart of the business section of the city, and its service is mostly to business establishments.

The Mt. Vernon central office serves approximately 5,300 main stations, and is located at the corner of St. Paul and Madison streets. The area served comprises both business and residential sections.

The Madison central office serves approximately 4,800 main stations, and is located on Madison avenue, near Robert street. The area served is essentially residential in character.

The Wolfe central office serves approximately 7,300 main stations, and is located on Wolfe street, near Fairmount avenue. It serves an area which includes both business and residential districts. Much of the residence district is of tenement character, in which there are many coin-box telephones.

The Gilmor central office serves approximately 3,800 main stations, and is located on Baltimore street, near Gilmor street. The area served by it is largely residential, but includes a considerable number of business houses. Like the Wolfe central office, this central office serves a tenement district, in which there are many coin-box telephones.

The South central office serves approximately 1,000 main stations, and is located on South Charles street, near Montgomery street. The great majority of stations connected to this central office are business stations, but the exchange area includes considerable tenement districts.

The Walbrook central office serves approximately 1,000 main stations. It is located on Eighth street, near North avenue, in a residential district.

The Garrison central office serves approximately 120 main stations in the northwest corner of the city, and is operated from the site of the Arlington exchange, a separate name being assigned to distinguish between the Garrison subscribers, who are city subscribers, and the Arlington subscribers, who are suburban subscribers.

The approximately 29,000 main stations in Baltimore may be divided into classes, according to the character of service which they receive. The main grouping and the number of main stations in each as of September 30, 1910, are as follows:

	Main Stations.
Business Service except Private Branch Exchanges:	
Direct line flat-rate service.....	705
Two-party " " "	77
Multi-party " " "	28
Direct line message-rate service.....	4,387
Two-party " " "	2,191
Multi-party " " "	503
Direct auxiliary line	41
Direct line coin-box service.....	28
Multi-party " " "	2,135
Residence Service except Private Branch Exchanges:	
Direct line flat-rate service.....	6,731
Multi-party " " "	1
Direct line message-rate service.....	1
Two-party " " "	2,442
Multi-party " " "	2,141
Direct line coin-box service.....	17
Multi-party " " "	4,194
Public Telephones:	
Direct line	1,966
Two-party line	190
Multi-party line	237
Extension telephones associated with above, 5,187 in total.	
Business Private Branch Exchanges:	
Flat-rate service, 7 contracts with 341 total telephones.	
Message-rate service, 474 contracts with 7,444 total telephones.	
Residence Private Branch Exchanges:	
Flat-rate service, 32 contracts with 568 total telephones.	

The term "multi-party line" in the foregoing tabulation relates largely to four-party service, but there is some service in which six subscribers or eight subscribers are associated on a single line.

The company makes characteristic charges for each of its different types of service, and has additional charges for various extra apparatus which may be supplied with the service, such as cords of extra length, extension bells, extension arms, extra receivers, mileage charges where the subscriber's line exceeds a certain length, etc. The company also has special schedules for extra directory listings and accommodations of other character.

The number of messages originated from the flat-rate subscribers per annum, estimated from monthly counts, is 21,750,000. The number of messages originated by the message-rate subscribers, shown by the central office tickets and line registers, is 15,975,000. The number of messages originated by the prepayment (coin-box) telephones is 1,816,000. The number of messages originated by the public pay stations with coin boxes is 2,373,000, and the number of messages originated at the attended pay stations is 787,000. This gives a total of 42,701,000 originated messages per annum. This does not include the messages originated by the relatively few lines of the Garrison central office.

It will be observed that 50 per cent. of the messages are originated by the flat-rate telephones, which comprise only about 25 per cent. of the main stations and contribute only about 30 per cent. of the company's annual revenue from exchange service.

There being eight different central offices in Baltimore, it is obvious that a considerable proportion of the messages will be originated by subscribers connected with one central office who desire to speak with subscribers connected with other central offices. That is, a considerable proportion of the messages have to be trunked from one central office to another, and therefore call for the intervention of operators in a second central office.

When a message is originated by a subscriber who desires to speak with one whose line is connected with the same central

office, the message may be directly handled by a single operator, who makes the connection directly from the terminal of the calling subscriber's line to a terminal of the called subscriber's line; but when the call is to be transmitted to a subscriber connected with another central office, the first operator must connect the terminal of the calling subscriber's line with a trunk line leading to the other central office, and an operator at this office must then complete the connection by bringing the terminal of the trunk line into communication with the called subscriber's line. Over 50 per cent. of the messages originated by the subscribers in Baltimore are trunked in this manner, and the interconnecting trunk circuits, switchboards and operators for handling such messages must be provided, in addition to the plant and operating staff required for the handling of messages transmitted between subscribers associated with the same central office.

This condition raises the inquiry whether a cheaper service might be accomplished if fewer central offices were adopted, but it is quite apparent that an additional average length of lines would be required to reach the subscribers if fewer central offices were adopted. This would make the investment in lines heavier on account of their greater average length, and the total cost of giving service, including interest on the investment, would not be reduced, since the increase of investment in lines would doubtless be greater than the reduction of investment in central offices. In fact, the company is now planning to add certain central offices, and is apparently doing so with good engineering and business judgment.

2. BALTIMORE TELEPHONE RATES.

The telephone rates in Baltimore, like those in most of the cities of the country, are partially an inheritance from earlier conditions of service, and are partially the results of expediency or of judgment applied to the conditions of recent years. Some rates formerly put into effect were apparently not adaptable to the demands for service finally developed in Baltimore, and the earlier rates have in many instances been allowed to become obsolete, although old subscribers who have

continued to take the service of the company have been permitted to pay their old rates, while new subscribers have been required to pay a different rate for similar service, or have been required to take service covering a different area.

Tables given below show rates for service which are now paid by subscribers in Baltimore, and, according to our understanding of the information before us, represent all of the local service rates now paid by Baltimore subscribers. The tables have three columns. The first column names the type of service; the second column names the price paid for the service, and the third column designates the area over which the service is given for the charges designated.

In the case of the flat rates an annual charge is made per year, for which the subscriber is allowed to make as many calls as he desires. That is, the service is an unlimited service for a fixed price.

In the last column of the first table, the designation of the area of the service is made by the words "Baltimore" or "Baltimore and suburbs." The word "Baltimore" indicates that the service covers the whole of the area of the city of Baltimore served by the central offices. That is, a subscriber taking a rate thus designated in the table has exchange service embracing all telephones connected with the central offices located within the city of Baltimore. The phrase "Baltimore and suburbs" indicates an area embracing all the telephones connected with the central offices located within the city of Baltimore, and also the telephones connected with certain suburban central offices, as follows: Arlington, Catonsville, Cockeysville, Elkridge, Hamilton, Pikesville, Sparrows Point, Towson, Tuxedo and Woodlawn.

Those rates which may now be contracted for by new subscribers are marked in the tables with asterisks (*), and the others are obsolete rates which are not available to new subscribers, but which are retained for subscribers who originally contracted for them while they were offered by the company as live rates.

In Table I are given the flat rates. Of these the major numbers are embraced by only a few subscribers, who are now paying the rates named, in various instances the number of

subscribers being as few as one or two. There are, however, 36 subscribers with the \$78 direct line grounded circuit business rate covering the "Baltimore and suburbs" area, and 157 subscribers with the \$78 direct line grounded circuit business rate covering the "Baltimore" area. There are also 302 subscribers with the \$125 direct line metallic circuit business rate covering the "Baltimore and suburbs" area, and 191 with the \$125 direct line metallic circuit business rate covering the "Baltimore" area. There are 124 business subscribers scattered amongst the other business flat rates. There are 6,728 residence subscribers with the direct line metallic circuit \$48 rate covering the "Baltimore" area, which is a rate still available for new subscribers, and there are four subscribers divided between the obsolete flat residence rates.

TABLE I. FLAT RATES.

BUSINESS FLAT RATES.		
Kind of Service.	Price per Annum.	Area of Local Service.
Direct line grounded circuit.....	\$78	Baltimore and suburbs.
*Direct line grounded circuit.....	78	Baltimore.
Direct line metallic circuit.....	50	Baltimore and suburbs.
“ “ “ “	60	“ “ “
“ “ “ “	66	“ “ “
“ “ “ “	125	“ “ “
“ “ “ “	125	Baltimore.
Two-party metallic circuit.....	72	Baltimore and suburbs.
“ “ “ “	78	“ “ “
“ “ “ “	84	“ “ “
“ “ “ “	100	“ “ “
Multi-party metallic circuit.....	72	“ “ “
“ “ “ “	84	“ “ “
“ “ “ “	90	“ “ “

RESIDENCE FLAT RATES.		
Kind of Service.	Price per Annum.	Area of Local Service.
Direct line metallic circuit.....	\$100	Baltimore and suburbs.
*Direct line metallic circuit.....	48	Baltimore.
Multi-party metallic circuit.....	48	Baltimore and suburbs.

In Table II, giving the message rates, the "Baltimore" area is designated by the letter A, and the "Baltimore and suburbs" area by the letter B.

The rates marked with an asterisk () may now be contracted for. The others are obsolete rates and are not available to new subscribers.

In Table II, giving the message rates, the "Baltimore" area is designated by the letter A, and the "Baltimore and suburbs" area by the letter B.

TABLE II. MESSAGE RATES.

BUSINESS MESSAGE RATES.		
Kind of Service.	Price per Annum.	Area of Local Service.
Direct line metallic circuit.....	Minimum charge \$60, with 700 messages and a sliding scale for additional messages.‡	B
*Direct line metallic circuit.....	Minimum charge \$48, with 600 messages and a sliding scale for additional messages.	A
Two-party metallic circuit.....	Minimum charge \$50, with 700 messages and various sliding scales for additional messages.	B
*Two-party metallic circuit.....	Minimum charge \$2.50 per month, with 30 messages and a sliding scale for additional messages.	A
Multi-party metallic circuit.....	Minimum charge \$27, with 700 messages.	B
Multi-party metallic circuit.....	Minimum charge \$36, with 700 messages; also \$42, with 700 messages. Sliding scales for additional messages.	B
Multi-party metallic circuit.....	\$30, with 600 messages. \$36, with 600 messages. \$48, with 600 messages. \$60, with 1,200 messages.	A
*Auxiliary direct line metallic circuit	\$36.	A

‡ The regular charge would make 1,000 messages cost \$72, but one subscriber apparently has contracted for 1,000 messages for \$82.

* The rates marked with an asterisk (*) may now be contracted for. The others are obsolete rates and are not available to new subscribers.

TABLE II. MESSAGE RATES—Continued.

Kind of Service.	Price per Annum.	Area of Local Service.
*Direct line metallic circuit, with coin box.....	\$30 per annum, plus 5 cents for each local message.	A
*Multi-party metallic circuit, with coin box.....	5 cents per local message without guaranteed minimum payment.	A

RESIDENCE MESSAGE RATES.

Direct line metallic circuit.....	Minimum charge \$60, with 700 messages.	B
Two-party metallic circuit	Minimum charge \$50, with 700 messages.	B
*Two-party metallic circuit	Minimum charge \$2.50 per month, with 30 messages and a sliding scale for additional messages.	A
Multi-party metallic circuit	\$27, with 600 messages. \$27, with 700 messages. \$36, with 700 messages. \$45, with 800 messages. \$48, with 1,000 messages.	B
Multi-party metallic circuit	\$18, with 360 messages. \$60, with 1,200 messages.	A
*Multi-party metallic circuit	Minimum charge \$36, with 600 messages, and 5 cents each for additional messages.	A
Direct line metallic circuit, with coin box.....	\$30 per annum, plus 5 cents for each local message.	A
*Multi-party metallic circuit, with coin box.....	5 cents per local message without guaranteed minimum payment.	A

Of the foregoing message rates, few of them are embraced by many subscribers, with the exception of (1) the asterisked

The rates marked with an asterisk () may now be contracted for. The others are obsolete rates and are not available to new subscribers.

direct line metallic business service, with a charge of \$48 for 600 messages and graduated charges for additional messages in area A (the Baltimore city area), which service is now embraced by nearly 4,000 subscribers; (2) the two-party metallic circuit business service, with 30 messages a month, which is now embraced by some 2,200 subscribers; (3) the multi-party business service with coin-box equipment without a guarantee, which is now embraced by over 2,000 subscribers; (4) the two-party metallic circuit residence service, with 30 messages a month, for which there are nearly 2,500 subscribers; (5) the multi-party metallic circuit residence service, for which there are over 2,000 subscribers, and (6) the multi-party metallic circuit residence coin-box service without a guarantee, for which there are approximately 4,200 subscribers.

TABLE III.

PRIVATE BRANCH EXCHANGE SERVICE.

FLAT RATE—BUSINESS.	Price per Annum.	Area of Local Service.
Minimum equipment:		Baltimore and suburbs.
Switchboard and operator's set, one trunk and two stations.....	\$367	
Additional trunks, each.....	125	
Additional stations, each.....	24	
Number of contracts.....	7	
Number of P. B. X. stations..	341	
*FLAT RATE—RESIDENCE.		Baltimore.
Minimum equipment:		
Trunk line, switching devices and three stations	84	
Additional lines, each.....	48	
Additional stations, each.....	6	
Number of contracts.....	32	
Number of P. B. X. stations..	568	
*MESSAGE RATE—BUSINESS.		Baltimore.
Minimum equipment:		
Switchboard and operator's set, two trunks and two stations, 3,000 messages	\$186	
Additional trunks, each.....	24	
Additional stations, each.....	6	
Additional local messages 4c. each or \$3 per hundred.		
Number of contracts.....	474	
Number of P. B. X. stations	7,444	

In addition to the foregoing enumerated kinds of service shown in Tables I, II and III, with their various rates, there are also public telephones where the public pays 5 cents per local message, and the company makes various arrangements with proprietors of stores and other convenient locations for the privilege of introducing the telephone on the premises. These arrangements generally involve a commission to the proprietor of the premises, based on the earnings of the telephone. The company also has charge for various special devices or accommodations, such as extension bells, extra receivers, extra long cords to portable instruments, etc.

The subscribers embracing the flat-rate grounded circuit service are restricted to so-called Blake instruments for their substation equipment. The other subscribers are provided with the so-called solid-back substation equipment, which is more powerful than the Blake. Metallic circuit subscribers are allowed the option of having wall instruments or portable (desk) instruments, the latter being provided with a cord not exceeding ten feet in length unless additional payments are made for extra cord lengths.

In the case of the coin-box service, those stations which are connected with the Gilmor and the Wolfe central offices are equipped with coin boxes associated with wall instruments and the coin is introduced in the coin box prior to making the call to the operator. In coin boxes connected with other central offices, the coin box is associated with either wall instruments or portable (desk) instruments, at the option of the individual subscribers, and the collection of the coin is made after the operator has been called and has completed the connection.

The private branch exchanges for which rates are shown in Table III are of three types. One has a switchboard without cords, but it is limited to use with not exceeding seven stations. The second is an ordinary switchboard with cords, which may have any capacity desired. The third is what is known as the No. 2 Private Branch Exchange equipment, which gives intercommunicating service by means of a switching device associated with each telephone connected with the branch exchange, and does not require the intervention of an operator. These

No. 2 installations are limited in capacity to the capacity of the switching device, which has place for a maximum of ten points.

Selective ringing is arranged to be provided on the party lines in all the central offices.

The foregoing tables of the rates now being paid by the various subscribers in the city of Baltimore show a wide range of charges for similar or substantially similar service. For instance, the charge for a direct line metallic circuit in the "Baltimore and suburbs" area, for unlimited business service, varies from \$50 to \$125, contracts being in existence for \$50, \$60, \$66 and \$125; and subscribers are also paying \$125 for similar service limited to the Baltimore city area. Many of the classes of service in existence contain such inconsistencies and discriminations between the various subscribers who are still given service under old rates for which they formerly contracted, but which are not available to new subscribers. This is apparently a historical matter, the result of the gradual development of the company during the period in which the business of telephony was being established. The telephone is not an inflexibly established device with fixed practice in giving service, but the characteristics of the equipment in service are still in a state of improvement and change. This company has apparently made different rates from time to time in the course of its progress, and it has failed to abolish the old rates when they proved improper or unprofitable, but has allowed old subscribers to continue their old rate contracts. This is obviously unfair to new subscribers. If the obsolete rates are unremunerative to the company, the subscribers to going rates are called upon to carry not only the proper charges for their own service, but also the deficit, if any, for the obsolete rates; and the obsolete rates ought all to be abolished, with suitable readjustment of the new rates, so that all subscribers may obtain good service at a fair price for what they need and use. The question of fair price for service is discussed in ensuing parts of this report, but the remarkable range of inconsistencies and discriminations between customers which are to be seen from a scrutiny of Tables I and II makes it obvious that the Baltimore rates need radical revision.

3. FLAT RATES.

When flat rates are charged, two kinds of customers are ordinarily differentiated from each other—that is, business customers and residence customers. Each of these kinds may be grouped in various classes by arranging individual subscribers on a single line, associating two or more subscribers on a party line, providing private branch exchanges, etc., according to the needs of the customers; and the rates charged for service in the several classes may be expected to differ on account of differences in the amount of the use of the telephones of customers in different classes. A differential may properly be made between a business subscriber and a residence subscriber as is commonly done when flat rates are charged on the ground that the residence use of telephones averages smaller than the business use, but no grouping between different establishments in a given class of service is practicable when flat rates are adopted for charging subscribers for their service.

The result of this latter condition obviously must give some of the subscribers to a flat rate much more service than others receive for the same money paid, when the area served is large and the grouping has been made so that the flat-rate class of subscribers comprises an extended variety of users, as it almost inevitably must if business users are afforded flat rates. The variety is not nearly so great when residence users are afforded flat rates. This makes the logical and fair process to put all business users on a measured-rate basis, although it is practicable and reasonable to give the residence subscribers a choice of flat rate or measured rate.

In operating its system, the company is put to expense for the wages of its operating staff, the cost of repairs and keeping up the plant, the renewal of plant when it must be replaced on account of the ravages of age or because improved methods have come into the art (that is, to offset the effect of depreciation which it is now recognized must be paid for out of the rates), taxes, insurance, general expenses of administration, and interest on the investment. An equitable system of rates

should distribute the burden of these expenses amongst the subscribers with reasonable consideration of the proportion of these expenses which is caused by the service in each of the several classes. Obviously, the ideal method for charging for telephone service would be to charge each subscriber in proportion to the service he receives from the company, and to make the charge to all customers as low as consistent with the operation and maintenance of the property accompanied by the payment of a fair return on the money invested.

The important question has been raised before your Commission whether or not the flat rates now in use by the company's subscribers meet these requirements of fairness as between the various subscribers enjoying those rates and also as between those subscribers and the subscribers for message rates. We understand that the point has particularly arisen in respect to the \$125 rate for direct line metallic circuit for business service in the "Baltimore" and the "Baltimore and suburbs" areas. There are now some 500 subscribers in these classifications. There are a total of some 1,600 flat-rate business telephones connected with 864 telephone lines, when flat-rate party line users, and flat-rate private exchanges, as well as flat-rate direct line users, are included. It is estimated in regard to the latter lines, that on seven of them, more than 40,000 messages are originated per year; that on thirteen of them, between 30,000 and 40,000 messages are originated per year; that on forty-five of them, between 20,000 and 30,000 messages are originated per year; that on fifty of them, between 15,000 and 20,000 messages are originated per year, and that on one hundred and eleven of them, between 10,000 and 15,000 messages are originated per year. That is, these telephone lines, aggregating in number one per cent. of the telephone lines in Baltimore, originate over ten per cent. of the messages per annum; but they apparently do not afford two per cent. of the company's revenue notwithstanding their large traffic. The remainder of the 864 flat-rate business lines, namely 638, originate less than 10,000 messages per year per line, and more than half of this number apparently originate less than 5,000 messages per year per line.

Ten thousand messages per year amount to more than 30 messages per working day, and with a charge of \$125 per year for the telephone service, this comes to $1\frac{1}{4}$ cents per message. According to our figures and according to the figures presented in Chief Engineer Phelps' report under date of March 15th of this year, this sum of $1\frac{1}{4}$ cents is materially less than the cost of such messages to the telephone company, which cost must be borne by the company to perform its part in the service, which consists in providing a plant, maintaining it, and operating it. As a few of the flat-rate subscribers are actually originating so many calls that they put more than 40,000 calls per year over the line, it is plain that at the \$125 rate, the price paid by these subscribers is less than one-third of a cent per message, and the loss on these messages becomes a large sum, all of which must be borne by the smaller users.

We will not here present our computations in respect to service costs, but our computations support the computations made by Chief Engineer Phelps, which show that these flat-rate classes are not fair classes to introduce into telephone service where so great a variety of needs exist as are found between the various telephone users in Baltimore, some of whom require but few messages a day and others require large numbers. The total number of flat-rate business telephones is some 1,600 out of a total of approximately 29,000 main telephones and 14,000 extension telephones and private branch exchange telephones. The loss due to the flat-rate telephones, Mr. Phelps estimates as between \$36,000 and \$39,000 per annum, which amounts to an average of nearly \$1 a telephone when spread over all of the telephones. This is a large percentage of the charge made against the multi-party line and other low price telephones.

It is obvious that this is so unfair, that either the business flat rates should be raised or abolished. The question then arises whether these flat rates can be readjusted so as to be fair. According to Mr. Phelps' figures, this would require an increase of nearly \$50 per line, if the increase were spread over all the business flat-rate telephones, including the direct-line and party-line flat-rate users. But it may be recognized from

the following considerations that an increase of the rates is not a practicable means for correcting the difficulty.

At the present time there are many users continuing in the flat-rate service at a cost but little exceeding, or perhaps at a less cost, than that at which they could get their service with the message rates now in force in Baltimore. The present message rates are higher than reasonable conditions of cost of service would warrant when they are considered of themselves; that is, in case they were not called upon to bear any burden of loss from the flat-rate lines. If the flat-rate prices were increased and the message-rate prices were decreased, many of the subscribers who now continue in the flat rates, but have a relatively small use compared with the average flat-rate subscribers, would transfer their service to message rates. This would leave only the largest users in the flat rates, and the flat-rate price would have to be proportionately high to carry service without loss. That is, unless the flat rate prices were adjusted to a figure that might be reasonable when meeting the requirements of the several hundred maximum users, which would probably make it necessary to fix the price above \$200 per year, the large users in the flat-rate service would always get their service for less than cost and the message-rate subscribers would have to make it up, since the company cannot operate without receiving back from its subscribers all of its legitimate operating expenses, including wages, repair material, renewals of plant to meet the ravages of depreciation, taxes, insurance, general administrative expenses and interest.

In a city with conditions such as exist in Baltimore, fairness between subscribers calls for abolishing the business flat rates, and fixing the message rates at a sufficiently low price so that the widely varying needs of the business subscribers may be served at the least price that will bring the company the income necessary to sustain it.

We believe that satisfactory telephone service cannot be maintained under the direction of the Commission in the city of Baltimore without abolishing the numerous and inconsistent obsolete services, and also that all of the flat-rate classes of business service, including the private branch exchange flat-

rate business service, of which there are now seven contracts, should be abolished.

The message-rate business service makes it possible to make a wide differentiation in the amount paid for service between the smallest user and the highest user, and it, therefore, develops the telephone system by bringing in many small users who cannot afford to pay for comprehensive service any flat rate that would average a remunerative return to the company. Such development of the system is distinctly to the advantage of the merchants and other like subscribers who are large users. As the message rates go down, the telephone development improves; that is, the number of telephones goes up. A great deal of the rapid development of the telephone systems in American cities has been coincident with the introduction of message rates, and the development has apparently been increased each time that the message rates have been decreased. If the merchant gains advantage by getting into touch by telephone with a large number of his customers, it is obviously to his interest to have the message rates made more attractive for the average and smaller users, and for this purpose it is necessary to relieve those users from any losses caused by his own larger service at flat rates.

We believe that Mr. Phelps' conclusions that the flat rates should be abolished are absolutely correct as far as all of the business service is concerned.

The conditions in respect to residence flat-rate service are not so objectionable. There is ordinarily not so wide a difference between the traffic of different subscribers in the residence service, and it is, therefore, easier to adjust flat-rate residence rates so as to fairly meet the average requirements of those users and still meet the company's costs in such a way that no call need be made upon the message-rate users to make up a loss from the flat rate. The smallest users in residence service will ordinarily call for from one to three messages per day, and such users are best served by coin-box or message-rate service. The usual flat-rate residence user may be expected to come in a class where from three to twelve messages are used per day. The range of difference, amounting to 1:4, here mentioned is very moderate when compared with the range of

1:50 which is recognizable in the business flat rate as it now exists in Baltimore. In our judgment, a residence flat-rate service may be appropriately maintained.

4. EXTENSION SETS.

The question of the annual prices to be charged for extension telephones and private branch exchange terminal telephones is a common matter of controversy. The facts in regard to this are the following:

The total average investment associated with extension sets or private branch exchange terminal telephones (including the proper share of general investment) is approximately \$20 per telephone, when installed complete ready for use in association with the main telephone or private branch exchange switchboard. This is an average figure for the investment, which we give as the result of study in a good many cities, and will probably apply reasonably to Baltimore as well as to other cities. This estimate of the investment includes everything, with the exception of the transmitter, the receiver and the induction coil, which latter parts of the apparatus are furnished by the American Telephone and Telegraph Company as a part of the consideration in the license contracts which are made by the Bell operating companies.

Where the extension set is associated with a message-rate telephone, the cost of operating and all expenses relating to the plant besides that pertaining to the extension telephone are taken care of in the message rate; but the extension telephone being in addition to the main station or the private branch exchange switchboard, the message rate should doubtless be adjusted so as to cover only the main station, and an extra charge per annum may properly be made for the extension telephone, which charge is over and above the message rate. An extension telephone added on a message-rate line increases the traffic over the line somewhat, and therefore increases the income from the line, but it does not as a rule increase it in the proportion that would be expected from two main stations on the line as compared with a single station on the line. Allowing for the interest, taxes, insurance, de-

preciation, administration, and maintenance charges for the instrument at twenty-five per cent., which experience seems to indicate is reasonable, the cost to the company for these items comes to \$5.00 per extension telephone. There should be added to this the average cost per annum of furnishing a directory three times a year for each extension telephone in Baltimore, and for the cost of such removals as the company makes free of charge after the first year of use. The directory expense amounts to about 30 cents per telephone, and the cost of removals apparently amounts to more than \$1.00 per telephone taken as an average over the entire system for all telephones. Calling the removal and rearrangement expense for extension telephones one-half the average, or 50 cents, and adding this and the 30 cents for directory expense to the foregoing figures, brings the expense for extension sets to \$5.80 per annum for each set. Six dollars, therefore, is apparently not an unreasonable charge for extension sets used with message-rate service. A larger price should be applied for extension sets in connection with flat-rate lines, to cover the cost of the additional messages induced by the convenience of the extension telephone.

In this estimate we have used 8 per cent. for the return on the investment. This seems reasonable in view of the fact that the Railroad Commission of Wisconsin and the Public Service Commission for the First District of New York have both held that 8 per cent. is a reasonable return on investment in electric lighting properties, and telephone properties are obviously subject to risks as large as those of electric lighting. In case your Commission should adopt some other interest as a fair return on the investment, then the computation of the fair annual rental for extension sets would be modified.

5. COMPANY'S PROPOSED RATES.

The proposed rates of the company for Baltimore, we find set forth in the pamphlet dated August 18, 1910, which consists of schedules addressed to your Honorable Commission by the Vice-President of the company. The schedules are made up on the expectation of abolishing all flat-rate business service

and putting all business service on a message-rate basis. We believe that the considerations set forth in Sections 2 and 3 of this report are convincing that this is an appropriate change.

These proposed rates include a reduction in the message rates for business direct lines, which brings the contract price per message for users of more than 3,000 messages down to 2 cents per message for blocks contracted for in excess of that number, and when a privilege of refund for contracted messages which are unused is waived, the price is 2 cents per message for all messages contracted for in excess of 1,800 per year. The proposed minimum annual charge is put at \$42, which includes 600 local messages. We question whether the proposed minimum charge is adjusted most equitably for the small users, but it is our understanding that we need not go into that specific question which might require spending considerable time in gathering traffic statistics. There is no question but that two cents per message for numbers of messages greater than 3,000 per year is a reasonable price.

Changes are also proposed in the auxiliary station, private branch exchange and party-line rates.

In respect to the residence rates, the company proposes to maintain the direct line flat rate and also a No. 2 Private Branch Exchange flat rate. It is proposed to modify the two-party line message rate, putting it upon the basis of \$2 minimum monthly charge with 30 messages, and 5 cents per local message for all messages above 30 per month. The settlement month by month as proposed is likely to bring the company a considerably larger income than 5 cents per message for any twelve months, on account of the fact that many users will in certain months not use their 30 messages, and in other months will use more than 30 messages. Under those circumstances, we believe that the rate may be appropriately modified to bring it into harmony with the rates now in operation in the zones near Boston. The two-party line residence subscribers are here expected to pay \$24 per annum for 480 messages with 3 cents per local message over and above the first 480. The collections are made each month, but no one pays more than \$24 for any calendar year for local messages unless his messages

exceed 480 in number. This makes the two-party line message rate never cost more than 5 cents for any local message.

In some of the Boston zones there are approximately as many stations as are found in Baltimore, and this indicates that a price such as named above ought to be reasonable in Baltimore, although in the densest zone of Boston (the Metropolitan zone) the two-party residence telephones have a minimum yearly charge of \$36, including 720 messages, and three cents a message above the 720 messages. The Boston rates are based on an average of not exceeding five cents per message for any local message.

The schedules of the company's proposed rates for Baltimore include charges for general service and auxiliaries, such as extension bells, extra length of cords for portable sets, additional receivers, extra mileage circuits and the like; but we do not understand that it is our province to here enter into a discussion of these.

The company proposes under the new schedule to make a charge for moving subscriber's telephones. This is a reasonable thing to do. The proposal is to charge \$2.50 for each telephone moved within a building, and \$6 for each line and station moved from one building to another, plus \$2.50 for each extension telephone. The amounts here proposed seems to be reasonable, in comparison with the cost to the company of making such removals, shown in the statistics which we have been able to obtain. In our opinion, it is fair to make a charge against the individual subscribers who require their stations to be moved, rather than to follow the usual practice of prorating the cost of moving in the service rates, and thus levying the cost as an average against all subscribers; but if this charge is made, we believe that it may be possible to reduce the service rates after experience has been had with such new rates as are introduced.

The proposed coin-box rates are discussed in the following section:

6. COIN-BOX USERS.

There were, on September 30, 1910, forty-five direct line coin-box users, paying an annual rental of \$30 per line, and in

addition paying five cents for each local message. The company proposes to continue this rate and to introduce an additional rate for two-party line coin-box service in boarding houses. This proposed rate is an annual rental of \$18 per year, with a charge in addition thereto of five cents for each local message.

We believe that this ought to be modified. The fixed charges per subscriber on a direct line or on a two-party line are higher than the fixed charges per subscriber on a four-party line, and the company is therefore justified in expecting a greater revenue from these direct line and two-party line subscribers than from the four-party line subscribers, but we are of the opinion that this should be accomplished by arranging a guarantee from each direct line or two-party line subscriber of an increased number of local messages at five cents each, and not by levying a rental in addition to the message charges.

The effect of a rental charge in addition to the message charge is to bring the total cost per message considerably above the five cents per message charged on four-party line coin-box service, and it seems to us that there is no justification for such discrimination against the direct-line and two-party line coin-box users.

Further than this, if a two-party line coin-box service is offered to boarding houses, we believe that it should also be available to all residence subscribers who may desire the service.

We believe that the direct-line and the two-party line coin-box service should be offered on a straight message guarantee basis. Observation of the service and careful analysis will probably be necessary before the proper guarantees can finally be determined, but from our experience we would suggest that for the direct line a guarantee of 900 messages per telephone per year (approximately $2\frac{1}{2}$ per day), and for the two-party line a guarantee per telephone per year of 600 messages (nearly $1\frac{3}{4}$ messages per day), would be appropriate until further determination can be made.

There were more than 6,300 multi-party line coin-box users on September 30, 1910, mostly connected with the Wolfe and Gilmor exchanges. These users are apparently provided with

telephones under contracts which call for a payment of five cents per local message, but which do not subject the subscriber to any guarantee of minimum charge, although a minimum charge sufficient to cover fixed cost is obviously a fair provision. This makes a situation which is difficult to straighten out. It will probably soon be necessary for the Commission to take the matter in hand and straighten it out, but we believe that it would be inexpedient to disturb the existing multi-party coin-box subscribers until further statistics have been obtained in regard to them and their rates, so that readjustments which are made can be established on a basis which will be fair to the class considered as a whole. In the meantime, the company ought not to be allowed to take on additional subscribers of this nature, except under prescribed conditions. These conditions for the four-party subscribers might correspond with those set forth in the company's proposed Schedule G, page 7, for business service, and Schedule D, page 9, for residence service, of the pamphlet entitled "Proposed Tables of Telephone Rates for Baltimore City," dated August 18, 1910, provided their approval would not prejudice a later rearrangement. Before final action in respect to existing subscribers for the four-party coin-box service is taken, we believe that the Commission ought to have more data relating to this particular class.

A limit ought to be fixed so that not more than four coin-box subscribers shall be placed on any line, and not more than two message-rate subscribers shall be placed on any line, whether they be residence or business subscribers.

7. CONCLUSIONS.

We have carefully reviewed the report which was made to your Commission by Chief Engineer Phelps relative to the schedule of rates for telephone service in the city of Baltimore, and we have carefully studied all the statistics obtained through your office, and also additional statistics obtained directly from the company. We have the papers turned over to us by Chief Engineer Phelps, and in addition thereto a considerable amount of supplementary information received directly from the Vice-President of the Telephone Company.

Our consideration of the situation is founded upon all these data, and our judgment is also based upon the result of experience in other places besides Baltimore, where the conditions were reasonably similar. We believe that the conclusions at which we have arrived may be relied upon as sound. We agree with Chief Engineer Phelps that, in the main, the schedule of telephone rates which the company has proposed would work to the advantage of the telephone using public in Baltimore, in comparison with the existing inconsistent and discriminatory rates, and we are of the opinion that all of the proposed changes in the rate schedule except those relating to coin-box service might wisely be made, with the understanding that further modifications are likely to be necessary in the near future for the purpose of adjusting the message rates to the most reasonable possible value; but we also believe that certain changes before named might now be made in the proposed schedule of residence two-party message rates.

The computations in Mr. Phelps' report are made on the principle that the cost is a function of the number of lines handled per operator. This method makes no recognition of the fact that a part of the plant investment, which consists of the subscribers' station equipment, the drop wires, the subscribers' circuits and the answering equipment on the switchboard, is independent of the amount of traffic originated and would be the same without regard to the number of lines that one operator can handle. The computation based upon this hypothesis seems to arrive at rates for those classes of service which have a small annual traffic which are lower than the actual conditions warrant, because the prices thus computed do not include provision for the full amount of the investment that the smaller users need for their service. For this reason we think that Mr. Phelps' computations for the party-line service give rates that are perhaps lower than the company can fairly be expected to make, but we fully agree with his conclusions in respect to the large users and in regard to the desirability, and in fact, importance to the telephone using public, of abolishing the flat-rate business service.

A perfect rate for any telephone service would be one which would return to the company the entire cost of rendering that

service, including the operating expenses, repairs, depreciation, taxes, insurance, the general expenses of administering the company and a reasonable return on the investment required to render the service. This rate may be considered to be made up of two portions—a fixed charge, which depends upon the investment required to furnish the service, and an operating charge which depends upon the number of messages sent over the lines. The investment required to furnish the service is itself affected by the amount of use that is made of the lines, and this is particularly true of the central office switchboards and the buildings and land required to house and support them. The investment may, therefore, be considered as made up of two distinct portions—one portion being substantially independent of the amount of use that is made of the lines, and the other substantially proportional to that use.

The proportion of the total investment which is independent of the use of the lines may be called the Readiness to Serve investment, and it is made up of the investment in the subscribers' station equipment, the drop wires, the lines from the subscribers' premises to the central office switchboards, the answering equipment on the switchboards, and a small portion of the real estate, and also a small portion of the trunk line equipment which interconnects the central offices. The portion of the investment which is dependent on the use which is made of the lines may be called the Service Rendered investment, and this is made up of the remaining investment in switchboards, which comprises much the larger part of the switchboard investment, and the portion of the real estate and of the interconnecting trunk equipment not already allotted to the Readiness to Serve equipment.

The Readiness to Serve investment per main station for any class of service depends upon the character of the line, whether one-party, two-party, or four-party, etc. The Service Rendered investment per main station depends upon the amount of use that is made of the line, and may be counted as proportioned to the messages originated per main station, and also to the kind of service which the subscriber demands. Large business users call for very much more rapid and accurate service than is

necessary to satisfy ordinary residence customers and therefore increase the total investment.

The interest on the investment and the depreciation are apportioned by the foregoing principles amongst the various subscribers, and to this are added the operating charge per main station which depends upon the number of messages originated, a proper allowance being made for the fact that an operator can handle more calls from certain classes of service than from others.

The business subscribers of the city who use a great many messages demand the speediest and most accurate service obtainable at any cost, but other business subscribers and the residence subscribers would often be well satisfied by a more leisurely grade of service. However, the conditions of the best business service are forced by the demands of the larger users to be spread over all the system, and here the extra cost of the speedy service doubtless ought to be borne by the classes of subscribers demanding it, since the physical conditions of a telephone system prevent providing this service of high quality for one class of subscribers alone. As the conditions of the speedier service require greater investment in the plant than might otherwise be necessary, the cost of performing specific service for the small users is not in itself a fair basis of rates in case the cost is to be put where it belongs; and a distinction should, therefore, probably be made in class rates so that the cost of speed and accuracy may be placed on the classes of subscribers who demand it. This tends to justify Mr. Phelps' computations of lower figures for the small users than our computations would lead to; and it also justifies an adjustment in favor of residence users of moderate requirements where messages rates are adopted, in comparison with the business message rates.

In the Baltimore case the data on plant values make no separation between local plant, toll plant and interconnecting trunk plant; and the operating expenses are not divided between expense due to local operation and to toll operation. It has, therefore, been necessary for us to make such separations in accordance with our best judgment. This separation which

we have made is founded upon reliable data which we possess in regard to plant values and operating costs elsewhere.

We agree with Chief Engineer Phelps' computations that the unlimited service at \$125 for the metallic circuit lines or the \$78 for the grounded lines, is being carried by the Telephone Company at a substantial loss, and that the burden so thrown on the company is now being borne by the message-rate subscribers. The only two practicable remedies are discontinuance of the business flat-rate service or an increase in the rate. With the average number of messages per year which now pertain to the business flat-rate service, this service could probably not be carried successfully without a large increase in the price. In Boston we recommended the continuation of a flat-rate business service at \$125 per year in the heart of the business district, but only in a very restricted zone with an area of less than four square miles. It would apparently not be practicable to restrict unlimited business service within such limits in Baltimore, and we believe that it cannot be maintained as city-wide service without leading to abuse.

In respect to the unlimited residence service, it is our belief that \$48 a year is a low rate, and that if this rate is maintained, as the company proposes, that this class of service may be properly made the subject of careful observation and study, so that data may be obtained to ultimately determine more nearly what is a fair value for the service.

In respect to the direct-line, message-rate business service, our estimate of a fair rate is somewhat higher than that of Chief Engineer Phelps, but it is lower for small numbers of messages than the proposed charge under either Schedule A or Schedule B, and we, therefore, suggest that if these proposed rates are now put into effect, that this class of service should also be the subject of observation and study, for the purpose of determining what changes in rates may be made in the future.

In respect to the two-party line message-rate service, we have already made our comment, and believe that it might be altered with advantage for residence service so as to be more nearly similar to the Boston two-party message-rate service.

In respect to the coin-box rates, we are of the opinion that these ought not to be modified at the present time for old sub-

scribers. There are now many thousands of coin-box users who have taken contracts from the Telephone Company without a guarantee of minimum use on their lines. This is doubtless unfair to a large proportion of these users, as it makes many of the users unprofitable customers, and the loss must be borne by other users. At the same time, the company has so many of these on their lines that we believe it is not desirable to make changes without a more complete study of the situation than we have been able to give with the statistics available to us. The coin-box classes form so considerable a proportion of the total number of subscribers that we feel that any action affecting so large a number in so radical a manner as is contemplated in the proposed rates would be ill-advised until your engineering department has had more time to carefully gather the statistics and advise what is fair to be done.

8. SUMMARY.

It is our opinion that the Telephone Company may properly be allowed to put into effect the proposed schedule of rates, with the exception of those schedules relating to coin-box service, and if possible with modifications in favor of the two-party line message-rate residence subscribers, as described on pages 23, 24 and 25 of this report.

It is also our opinion that it is proper for your Commission to abolish the unlimited business flat-rate service, in view of the fact that it makes unfair discrimination in favor of large users and creates unnecessary and frivolous use which occupies the lines and interferes with the quality of the service.

We further recommend that before modifications in the coin-box rates are made, a careful study and analysis of the situation in respect to coin-box users should be carried out by the company, under the direction of your engineering staff.

Our recommendations are made on the understanding that each of the proposed rates is for service over the area of the city of Baltimore without toll charges, but that reasonable toll charges may be made for messages which cross the border of the city.

Respectfully submitted,

D. C. & WM. B. JACKSON.

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